bill (H. R. 7636) for a 2-cent postage for Queens County, N. Y.; to the Committee on the Post Office and Post Roads.

6940. By Mr. LYNCH: Petition of the Bronx County Bakers' Board of Trade, urging opposition to Senate bill 2395, known as the wheat-allotment bill, as adoption of same would result in a bread tax with a resultant raise in the cost of bread; to the Committee on Agriculture.

6941. Also, memorial of the Senate of the State of New York, memorializing Congress to amend the Federal Census Act so that the personal questions may be eliminated from the questionnaire and the criminal penalty abolished; to the Committee on the Census.

6942. Also, petition of the National Concrete Masonry Association, urging that the House of Representatives give speedy and favorable consideration to amendments to the Housing Act as embodied in Senate bill 591, thereby relieving unemployment, stimulating industries, encouraging construction, and employing capital; to the Committee on Banking and Currency.

6943. By Mr. MERRITT: Resolution of the Central Civic Association of Hollis, N. Y., petitioning the Congress of the United States to eliminate discrimination so long endured by the people of the county of Queens, N. Y., and impels the enactment into law of the bill known as H. R. 7636; to the Committee on the Post Office and Post Roads.

6944. By Mr. SCHIFFLER: Petition of the Mercer County Association of Retail Grocers, Bluefield, W. Va., urging that the sugar refining industry in the United States be amply protected by Congress in 1940 and thereafter against any further loss of business to the highly subsidized tropical refiners or by the beet-sugar industry, or both; to the Committee on Ways and Means.

6945. By the SPEAKER: Petition of the Ladies Auxiliary, No. 5, of the I. W. A., Ryderwood, Wash., petitioning consideration of their resolution with reference to antidemocratic and un-American activities and the antialien bills; to the Committee on Immigration and Naturalization.

6946. Also, petition of the United Federal Workers of America, Congress of Industrial Organizations, New York City, petitioning consideration of their resolution with reference to antialien bills; to the Committee on Immigration and Naturalization.

6947. Also, petition of the Seattle, Wash., Building Trades Council, Seattle, King County, Wash., petitioning consideration of their resolution with reference to the United States Housing Authority program; to the Committee on Banking and Currency.

SENATE

THURSDAY, MARCH 14, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

The Chaplain, Rev. ZeBarney T. Phillips, D. D., offered the following prayer:

Almighty God who art from everlasting to everlasting and with whom is no variableness, neither shadow that is cast by turning: We thank Thee for every good and perfect gift that cometh down from the Father of Lights, and especially for the kingdom that cannot be shaken, for the righteousness that endureth forever. Help us to realize that deep in the heart of the universe, among the imperishable treasures of life which time cannot alter, is the great joy of finding and recovering that which has been lost. Grant in this Passiontide, as we draw nearer and nearer to the Cross in contemplation, that we may find the joy in rediscovering the considerate and kindly things that overflow only from the Saviour's heart into our world's best thought and sentiment, to the upbuilding of our character and the better understanding of our fellow men. We ask it in the name and for the sake of Jesus Christ our Lord. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Wednesday, March 13, 1940, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed a bill (H. R. 8913) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes, in which it requested the concurrence of the Senate.

LAWS OF THE NATIONAL ASSEMBLY, PHILIPPINE ISLANDS

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying documents, referred to the Committee on Territories and Insular Affairs:

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit copies of laws enacted by the National Assembly of the Philippine Islands. Included are laws of the First National Assembly, third session, January 24, 1938, to May 19, 1938; and of the Second National Assembly, first session, January 23, 1939, to May 18, 1939; first special session, August 15, 1939, to September 18, 1939; and second special session, September 25, 1939, to September 29, 1939.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 14, 1940.*

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate the petition of Townsend Club No. 1, of Clinton, Iowa, praying for the enactment of the bill (S. 3255) to provide for national recovery by raising revenue and retiring citizens past 60 years of age from gainful employment and provide for the general welfare of all the people of the United States, and for other purposes, which was referred to the Committee on Finance.

He also laid before the Senate a resolution of the Board of Supervisors of the County of Los Angeles, Calif., favoring the enactment of House bill 7447, authorizing the Secretary of War to make a survey of the proposed T tunnel as a means of communication and transportation between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif., which was referred to the Committee on Military Affairs.

He also laid before the Senate a memorial of sundry citizens of the State of New York, remonstrating against the United States entering into foreign entanglements or participating in foreign wars, and praying that the armed forces of the Nation only protect America against invasion, which was referred to the Committee on Foreign Relations.

Mr. TYDINGS presented the petition of members of Local Union No. 12 of the American Flint Glass Workers' Union of North America, Cumberland, Md., praying for the imposition of higher tariff duties than those now existing on glassware, and also that the control of all tariff legislation be retained in the Congress, which was ordered to lie on the table.

Mr. HOLT presented petitions of members of Local Union No. 539, of Wellsburg, and Local Union No. 557, of Morgantown, both of the American Flint Glass Workers' Union of North America in the State of West Virginia, praying for the imposition of higher tariff duties than those now existing on glassware, and also that the control of all tariff legislation be retained in the Congress, which were ordered to lie on the table.

RESOLUTION OF RHODE ISLAND GENERAL ASSEMBLY ON PRESIDENTIAL THIRD TERM

Mr. GERRY. Mr. President, I send to the desk a resolution adopted by the General Assembly of the State of Rhode Island and ask for its appropriate reference. It memorializes Congress against a third Presidential term.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. GREEN. Mr. President, I also have received a copy of the resolution and was about to present it. I think I ought to say a few words to enlighten my colleagues as to the significance and value of the resolution.

Mr. BURKE. Mr. President, will the Senator yield?

Mr. GREEN. I yield.

Mr. BURKE. May we have the resolution read? If it is going to be discussed, I ask that it be read.

The VICE PRESIDENT. Without objection, the resolution will be read.

The Chief Clerk proceeded to read the resolution.

Mr. PEPPER. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Donahey	La Follette	Schwartz
Andrews	Downey	Lee	Schwellenbach
Ashurst	Ellender	Lodge	Sheppard
Austin	Frazier	Lucas	Shipstead
Bailey	George	Lundeen	Smathers
Bankhead	Gerry	McCarran	Smith
Barbour	Gibson	McKellar	Stewart
Barkley	Gillette	McNary	Taft
Bilbo	Glass	Maloney	Thomas, Idaho
Brown	Green	Mead	Thomas, Okla.
Bulow	Guffey	Miller	Thomas, Utah
Burke	Gurney	Minton	Townsend
Byrnes	Hale	Murray	Tydings
Capper	Harrison	Neely	Vandenberg
Caraway	Hatch	Norris	Van Nuys
Chandler	Hayden	Nye	Wagner
Chavez	Herring	O'Mahoney	Walsh
Clark, Idaho	Hill	Pepper	Wheeler
Clark, Mo.	Holman	Pittman	White
Connally	Holt	Reed	Wiley
Danaher	Hughes	Russell	
Davis	Johnson, Colo.	Reynolds	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

The VICE PRESIDENT. Eighty-six Senators have answered to their names. A quorum is present. The Senate has given unanimous consent for the reading of a resolution submitted by the Senator from Rhode Island [Mr. GERRY]. The clerk will read.

The Chief Clerk resumed and concluded the reading of the resolution adopted by the General Assembly of the State of Rhode Island, which is as follows:

Resolution memorializing Congress to enact suitable legislation to prevent any President of the United States from seeking a third term

Whereas the New York Senate yesterday adopted a resolution memorializing the Congress of the United States to enact suitable legislation to prevent any President of the United States from seeking a third term, which resolution embodies the following phraseology:

"Whereas on September 17, 1796, George Washington, first President of the United States, delivered his Farewell Address to the American people; and

"Whereas on that day the Father of our Country set down certain suggestions for the guidance of the American people; and

"Whereas by his refusal to seek election for the third time he established a tradition that to this day has remained unbroken; and

"Whereas in his Farewell Address President Washington said, 'Friends and citizens, the period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution that I have formed, to decline being considered among the number of those out of whom a choice is to be made'; and

"Whereas this tradition of a President of the United States of not seeking election for a third term forms the one remaining bulwark protecting the people of this Nation against the threat of the establishment of a dictatorship; and

"Whereas with the establishment of a dictatorship the minorities now accorded their rights under our Constitution will be swept aside and accorded the same treatment now given them in certain countries of Europe": Now, therefore, be it

Resolved, That the Congress of the United States be, and it hereby is, memorialized to enact suitable legislation to prevent any President from seeking a third term; and the secretary of State is hereby authorized and directed to transmit duly certified copies of this resolution to the Vice President, the Speaker of the House of Representatives, and to the Senators and Representatives from Rhode Island in Congress.

Mr. GREEN. Mr. President, another copy of this resolution has been sent me for presentation here; and I was about to send it to the desk when my colleague presented his copy.

It seems to me that my colleagues should be enlightened in a few words as to the value of this resolution.

As they may know, Republicans are in control of both the senate and the house by large majorities, and also of the governorship, all of whom joined in supporting this resolution; but it does not appear in the resolution itself that only a minority of the members of the house and only a bare majority of the members of the senate joined in passing the resolution.

How the Congress is to carry out the purpose of the resolution is not indicated. As Senators noticed when it was read, it advocates the passage by the Congress of suitable legislation to prevent any President "from seeking a third term." Nothing is said about the people electing a President for a third term, about the Electoral College electing a President for a third term, or about the possibility of Congress making a President ineligible for a third term. We are simply asked to pass legislation to prevent a President from seeking a third term.

Furthermore, if we may go to the fundamentals involved, it seems to me that it might sometime in the course of history become a President's duty, in the words of the poet Tennyson—

To strive, to seek, to find, and not to yield.

The VICE PRESIDENT. The resolution presented by the Senator from Rhode Island [Mr. GERRY] will be referred to the Committee on the Judiciary.

Mr. MCKELLAR subsequently said: Mr. President, this morning the Senator from Rhode Island [Mr. GERRY] read into the RECORD a resolution from the General Assembly of the State of Rhode Island concerning a third term. In that resolution is quoted a statement from our first President, George Washington.

In order that the historical view of this subject may be complete, I now desire to read a statement by George Washington. I ask unanimous consent that my statement and what I read may follow immediately the resolution to which I refer.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Tennessee? The Chair hears none, and it is so ordered.

Mr. MCKELLAR. I now read a part of a letter from George Washington to the Marquis de Lafayette, dated Mount Vernon, April 28, 1788, on the subject of a third term:

There are other points in which opinions would be more likely to vary. As, for instance, on the ineligibility of the same person for President, after he should have served a certain course of years. Guarded so effectually as the proposed Constitution is, in respect to the prevention of bribery and undue influence in the choice of President, I confess I differ widely myself from Mr. Jefferson and you as to the necessity of expediency of rotation in that appointment. The matter was fairly discussed in the Convention, and to my full conviction though I cannot have time or room to sum up the argument in this letter.

It will be remembered that Mr. Washington was the president of that Convention.

There cannot, in my judgment, be the least danger that the President will by any practicable intrigue ever be able to continue himself one moment in office, much less perpetuate himself in it, but in the last stage of corrupted morals and political depravity; and even then, there is as much danger that any other species of domi-

nation would prevail. Though, when a people shall have become incapable of governing themselves, and fit for a master, it is of little consequence from what quarter he comes. Under an extended view of this part of the subject I can see no propriety in precluding ourselves from the services of any man who, on some great emergency, shall be deemed universally most capable of serving the public.

Mr. President, my only purpose in reading this quotation from General Washington's letter to General Lafayette, just after the Constitution had been agreed to, and I believe before it had been ratified by the necessary number of States, is in order that the historical record, which was partially covered in the resolution, may be complete.

Mr. SMITH. Mr. President, will the Senator yield?

Mr. McKELLAR. I yield.

Mr. SMITH. I wish to invite the Senator's attention to certain words used by General Washington. I refer particulary to the adverb "universally," and also to the words "on some great emergency."

Mr. McKELLAR. The former President used those words, and I read them to the Senate. I think the excerpt from the letter throws much light on General Washington's idea of a third term for the Presidency.

REPORTS OF COMMITTEES

Mr. NORRIS, from the Committee on Agriculture and Forestry, to which was referred the bill (S. 2925) to amend the Tennessee Valley Authority Act of 1933, reported it with amendments and submitted a report (No. 1310) thereon.

Mr. CLARK of Idaho, from the Committee on Patents, to which was referred the joint resolution (H. J. Res. 433) to protect the copyrights and patents of foreign exhibitors at the Golden Gate International Exposition, to be held at San Francisco, Calif., in 1940, reported it without amendment and submitted a report (No. 1311) thereon.

Mr. SCHWARTZ, from the Committee on Claims, to which was referred the bill (S. 2570) for the relief of Mary Boyd, reported it with amendments and submitted a report (No. 1312) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment, and submitted reports thereon:

S. 2817. A bill for the relief of J. H. Churchwell Wholesale Co., of Jacksonville, Fla. (Rept. No. 1313); and

S. 3091. A bill for the relief of Barnet Warren (Rept. No. 1314).

Mr. ELLENDER, from the Committee on Claims, to which was referred the bill (S. 3436) for the relief of Ethel G. Hamilton, reported it with an amendment and submitted a report (No. 1315) thereon.

He also, from the same committee, to which were referred the following bills, reported them each without amendment and submitted reports thereon:

H. R. 4388. A bill for the relief of James Henry Rigdon (Rept. No. 1316); and

H. R. 5257. A bill for the relief of R. D. Torian (Rept. No. 1317).

Mr. ELLENDER also, from the Committee on Claims, to which were referred the following bills, reported them each with amendments and submitted reports thereon:

H. R. 1288. A bill for the relief of Mrs. Clyde Thatcher and her two minor children, Marjorie Thatcher and Bobby Thatcher (Rept. No. 1318); and

H. R. 5258. A bill for the relief of Betty Lou Frady (Rept. No. 1319).

Mr. HUGHES, from the Committee on Claims, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

H. R. 2161. A bill for the relief of the Pacific Airmotive Corporation, Burbank, Calif. (Rept. No. 1320);

H. R. 3769. A bill for the relief of the Keuffel & Esser Co. of New York (Rept. No. 1321); and

H. R. 3970. A bill for the relief of Charles Sidenstucker (Rept. No. 1322).

Mr. HUGHES also, from the Committee on Claims, to which was referred the bill (H. R. 3171) for the relief of George L. Sheldon, reported it with an amendment and submitted a report (No. 1323) thereon.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LA FOLLETTE:

S. 3578. A bill for the relief of Edward Smith; to the Committee on Indian Affairs.

(Mr. WALSH introduced Senate bill 3579, which was referred to the Committee on Finance, and appears under a separate heading.)

(Mr. WAGNER introduced Senate bill 3580, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

By Mr. SCHWELLENBACH:

S. 3581. A bill for the relief of John L. Pennington; to the Committee on Claims.

By Mr. MEAD:

S. 3582. A bill relating to the status of certain natives and inhabitants of the Virgin Islands; to the Committee on Territories and Insular Affairs.

By Mr. CLARK of Idaho:

S. 3583. A bill for the relief of Isabelle Tolmie in connection with the construction, operation, and maintenance of the Fort Hall Indian irrigation project, Idaho; to the Committee on Indian Affairs.

By Mr. BURKE:

S. 3584. A bill to authorize the Administrator of the Federal Housing Administration to insure under title I of the National Housing Act, as amended, against losses sustained by financial institutions in financing the purchase and installation of irrigation systems on farm lands; to the Committee on Banking and Currency.

By Mr. CONNALLY:

S. 3585. A bill to regulate the practice of shorthand reporting, and for other purposes; to the Committee on the Judiciary.

By Mr. VAN NUYS:

S. 3586. A bill conferring jurisdiction upon the Court of Claims with right of appeal to the Supreme Court of the United States to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana had and have against the United States under treaty of June 5, 1854, ratified August 4, 1854 (10 Stat. L. 1093), and as to the lineal descendants or issues of said Miami Indians pursuant to said treaty of June 5, 1854, etc., ratified and promulgated August 4, 1854; to the Committee on Indian Affairs.

By Mr. GIBSON:

S. 3587. A bill for the relief of Avis Collins, a minor; to the Committee on Claims.

By Mr. ANDREWS:

S. 3588. A bill to extend to certain persons engaged in horticultural and floricultural activities the benefits of laws providing for loans to farmers; to the Committee on Agriculture and Forestry.

(Mr. ANDREWS introduced Senate bill 3589, which was referred to the Committee on Banking and Currency, and appears under a separate heading.)

AMENDMENT OF THE SOCIAL SECURITY ACT

Mr. WALSH. Mr. President, I ask consent to introduce a bill to amend the Social Security Act, and request that it be referred to the Committee on Finance. I also request that an explanatory statement of the bill, prepared by me, be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill (S. 3579) to extend the Federal old-age and survivors insurance benefits of the Social Security Act to certain employees of religious and charitable

organizations, and for other purposes, was read twice by its title and referred to the Committee on Finance.

The statement presented by Mr. WALSH is as follows:

The bill proposes to extend the Federal old-age and survivors insurance benefits of the Social Security Act to certain employees of religious and charitable organizations. If enacted into law, it will add over a million persons to those already embraced within the provisions of the existing law.

In 1935–36 representatives of the churches, colleges, and hospitals asked for and received exemption from the Social Security Act. Many of these same organizations, for the past few years, have been considering ways and means of having their employees included within the Social Security Act without interfering with the general provisions of the law which exempt religious, educational, and charitable institutions from taxation.

The bill is the result of these deliberations and, in effect, provides for the inclusion under old-age and survivors insurance provisions of the Social Security Act, and the corresponding taxing or contribution section of the Internal Revenue Code of all employees of religious, educational, and charitable institutions except ministers of religion and members of religious orders.

In view of the fact that legislation to include these groups has been recommended by the Social Security Board in its report to the President dated December 30, 1938, and by the advisory council on social security in its report dated December 10, 1938, the action of representatives of the churches, colleges, and hospitals makes the change certain.

This bill would safeguard the tax-exempt status of the religious and charitable agency paying the tax by requiring that all revenues collected from such tax-exempt agencies "shall be paid directly into the Federal old-age and survivors insurance trust fund," and in this way the proposed amendment would, in reality, convert what otherwise would be a general tax into a true contribution to a trust fund, available only for the payment of old-age benefits, and not subject to appropriation by Congress for any other purpose.

The bill would result in extending the coverage of old-age and survivors insurance benefits to all lay employees of the tax-exempt charitable, religious, and educational agencies heretofore excluded. It would continue to exclude from old-age and survivors benefits all clergy, sisters, and brothers of religious orders attached to schools, colleges, hospitals, homes for the aged, and all other charitable institutions.

The proposed amendment would subject these lay employees and their employers to the payment of the taxes levied for the support of the old-age and survivors insurance benefits system which, at the present, are levied at the rate of 1 percent of wages received by the employee, and of wages paid by the employer and which, under the Social Security Act, may be increased gradually, but may never, without new legislation, exceed 3 percent of wages received and wages paid.

The religious, charitable, and educational institutions that have agreed to this proposal, approve of the legislation, and request favorable action, are the following: National Council Protestant Episcopal Church (speaking for itself and not the whole church), National Catholic Welfare Conferencce, Council of Jewish Federations and Welfare Funds, American Hospital Association, American Association of Social Workers, Community Chests and Councils, Inc., and National Recreation Association.

REGULATION OF INVESTMENT TRUSTS AND INVESTMENT COMPANIES

Mr. WAGNER. I ask consent to introduce a bill relative to investment trusts and investment advisers. I also request that an explanatory statement of the provisions of the bill be printed in the RECORD as a part of my remarks.

There being no objection, the bill (S. 3580) to provide for the registration and regulation of investment companies and investment advisers, and for other purposes, was read twice by its title and referred to the Committee on Banking and Currency.

The explanatory statement presented by Mr. WAGNER was ordered to be printed in the RECORD, as follows:

INVESTMENT-TRUST LEGISLATION—EXPLANATORY STATEMENT

NATIONAL PUBLIC INTEREST IN INVESTMENT TRUSTS AND INVESTMENT COMPANIES

Investment trusts and investment companies constitute one of the important media for the investment of savings of the American public and an important factor in our national economy. At the present time these organizations have total assets of approximately $4,000,000,000. In addition, they control or exercise a significant influence in a great variety of industrial enterprises, public utilities, insurance companies, banks, etc., with aggregate resources of approximately $30,000,000,000.

During the past 10 years there have been approximately 4,500,000 holders of certificates or shares of investment trusts and investment companies located in every State. American investors have sustained losses exceeding $3,000,000,000 out of a total investment in such companies aggregating about $7,000,000,000. During the period between the early 1920's—when the investment companies first made their appearance in this country—and the present, approximately 1,300 investment enterprises of all types were created. However, only about 650 trusts and companies are still in existence, the remainder having disappeared either through mergers, receivership, dissolution, or bankruptcy. In addition, numerous companies controlled or influenced by investment companies went bankrupt or sustained substantial losses. A large portion of these losses is directly attributable to those managements which refused to recognize their fiduciary obligations to their shareholders and subordinated the interest of the investor to their own pecuniary advantage.

The problems with respect to investment trusts and investment companies are still acute, for new organizations of this type are still being formed in large numbers and are raising substantial funds. From the middle of 1933 up to the end of 1939 approximately $2,400,000,000 of securities of investment trusts and companies have been registered with the Commission. Although not all of these securities have been distributed, approximately $400,000,000 of investment-company securities were sold during 1936 and 1937 alone, or approximately one-sixth of all nonrefunding corporate issues sold during those years. During the last few years, sales campaigns have been vigorously conducted and investment-trust certificates are being sold upon the installment plan to individuals in the lowest economic and income strata of our population—individuals who are particularly susceptible to devious high-pressure selling methods and who have been subject to unconscionable penalties and forfeitures in all too many instances.

SECURITIES AND EXCHANGE COMMISSION INVESTIGATIONS

The abuses and deficiencies of investment trusts and companies which occasioned these losses to the American public are not academic, and not merely attributable to the financial and economic ethics which prevailed during the 1920's. Some of the most flagrant abuses and grossest violations of fiduciary duty to investors were perpetrated during the very time that the Securities and Exchange Commission was conducting its comprehensive study of investment trusts and investment companies pursuant to section 30 of the Public Utility Holding Company Act of 1935. That study conclusively demonstrates that, unless these organizations are subject to supervision and regulation, the interest of many of almost 2,000,000 American investors in these institutions will be substantially threatened.

GENERAL PURPOSES OF THE LEGISLATION

This bill provides for the registration and regulation of investment trusts and investment companies and for the registration of investment counselors and other investment advisory services. The underlying purpose of the legislation is not merely to insure to investors a full and fair disclosure of the nature and activities of the investment trusts and investment companies in which they are interested, but to eliminate and prevent those deficiencies and abuses in these organizations which have contributed to the tremendous losses sustained by their security holders.

INVESTMENT TRUSTS NOW LARGELY UNREGULATED

Investment trusts and investment companies, like banks, insurance companies, and similar financial institutions, represent large pools of liquid funds of the public entrusted to individuals for management and investment. Yet, unlike these other financial institutions, investment trusts and investment companies, although their field of activity is unlimited, have been subject to virtually no regulation and supervision by any governmental agency—Federal or State. This absence of regulation is one of the fundamental causes of the abuses which have been altogether too frequent.

FINANCIAL ABUSES

Because of this absence of safeguards, promoters and managers of investment companies have been able to determine every aspect of their affairs in an atmosphere of self-dealing and conflicting interests devoid of arms-length bargaining. Independent scrutiny, in behalf of public stockholders, of the transactions and activities of promoters and controlling groups in the organization and operation of investment companies has been and is virtually nonexistent. Too often, the organization of investment trusts and companies was motivated, not by a desire of their sponsors to engage in the business of furnishing investment management to the small investor but rather to accumulate large pools of wealth which would provide a variety of sources of profit and emoluments to their sponsors and controlling persons.

Only a small amount of capital is required to form investment trusts and companies. As a consequence, these organizations are still experiencing an unsound mushroom growth, and various individuals, regardless of their background, have been able to promote or acquire control of these organizations, with their large pools of liquid assets, with a minimum of investment. In many instances control of these institutions has been made impregnable by devices such as management voting stock; voting trusts; the common-law or business-trust form of organization in which security holders have no vote; long-term management contracts, which also assured substantial compensation, irrespective of the company's performance; option warrants to purchase the company's stock, which have the potentiality of substantially diluting the value of the public stockholder's interests; and, finally, domination of the proxy machinery for the solicitation of authority to vote the shares held by public stockholders.

In many instances the pecuniary interest of the promoters, distributors, and managers have dominated almost every phase of the organization and operation of investment companies to the detriment of investors. Capital structures, which are often confusing and incomprehensible to investors, have been created with the ulterior motive of vesting in the controlling groups complete control of the public stockholders' funds and a disproportionate share

of the companies' profits. The capitalization of investment companies was in many instances determined solely by the amount of securities the public would absorb. As a consequence, unsound capital structures have been created—structures which fostered and perpetuated sharp conflicts of interests between the holders of senior securities and junior securities. These conflicts have often been resolved to the detriment of the public senior security holders and to the advantage of the common stock held by insiders. The holders of junior securities have retained control of the funds, although in essence the assets belonged to senior security holders, and have transferred, for substantial payments for their stocks without asset value, control of these funds without the consent or knowledge of senior security holders. Many senior securities had no protective feature, or inadequate features, which were circumvented and nullified by the controlling common-stock holders, and the public investors were powerless to prevent unfair and injurious practices. These companies with senior securities have been, in essence, margin accounts—margin accounts not subject to further margin calls—for trading in common stocks for the benefit of the inside common-stock holders. Unwarranted speculative activities have resulted.

In addition, these capital structures with more than one class of security have accentuated the problem of payment of dividends in investment companies; for the controlling common-stock holders have caused the payment of dividends and other distributions on their common stock to the pecuniary injury of the senior security holders. Capital gains have been drained off by the common-stock holders in periods of rising prices, and dividends paid, although the senior securities had inadequate asset coverage.

Investment trusts and investment companies have suffered many abuses which are peculiar to that type of organization. Investment companies are permitted to be organized with the broadest powers, and in essence, constitute blind pools of public funds. As a result, sponsors, promoters, and controlling groups in many instances have directed the investment of the public's funds in a variety of activities without the consent of the stockholders and irrespective of the announced investment policies which induced the public to invest in the enterprise. In addition, the assets of investment trusts and investment companies consist of cash or marketable securities readily reducible to cash, which could be used to acquire any type of security, property, or business. As a consequence, officers, directors, managers, and other insiders have often unloaded valueless or dubious securities and other property on investment companies at extravagant prices; have borrowed the funds of their investment companies; and have caused such companies to make loans to enterprises in which these insiders were interested. Substantial amounts of these loans have never been repaid. Investment companies in many instances have been exploited by investment banker sponsors and managers to enhance their banking and brokerage business. The investment companies were caused to participate in underwritings; to stabilize the market in securities underwritten by such managing groups; and to purchase substantial blocks of stocks in industrial companies, railroads, banks, and insurance companies in order to expand the banking and brokerage business and build up the financial empires of these insiders.

To augment and intensify all of these opportunities for control and personal profits at the expense of public stockholders, insiders have often fostered excessive pyramiding of investment companies into complicated corporate systems. Funds, securities, and other property were shifted by the dominant persons among the various investment companies in the system and their controlled industrial and other enterprises, in order to promote their own personal pecuniary interests, to create misleading values and fictitious profits for the purpose of deceiving stockholders, and to centralize and perpetuate their control. In many instances, the pyramiding of investment companies involved a complete renunciation of the policies the stockholders had been led to believe their companies would pursue; management costs have been inequitably allocated among the various pyramided companies, and expenses have needlessly been duplicated.

Wholesale trafficking in, and bartering of control of the management of investment companies without the knowledge or consent of the investor has also been a frequent abuse in the history of investment companies. Stockholders have suffered large losses as a result of undisclosed overnight transfers of control of their funds to new interests who have either been incompetent or dishonest. Under existing conditions, investors are powerless to protect themselves against the consequences of such shifts in control.

Managements have also used their control of the applicable corporate and statutory machinery to subject stockholders to inequitable readjustments of the rights, privileges, preferences, and values of their securities, by judicial reorganizations, recapitalization plans, mergers, consolidations, dissolutions, and sales of the corporate assets to other companies. Existing remedies for the protection of stockholders against inequitable plans of readjustment are inadequate, cumbersome, and impractical. The financial resources of the average stockholder are usually insufficient to meet the burden of complicated and long-drawn-out judicial and other proceedings which may be necessary to oppose successfully unfair management-prepared plans.

Another fundamental abuse has been that many promoters and managers of investment companies have a greater interest in the profits which they can realize from the distribution of investment-company securities than in compensation for the avowed function of furnishing expert, disinterested investment service to investors. As a consequence, management may be subordinated to distribution. Unsound investment trusts and companies may be organized in an effort to create securities or merchandise with sales appeal; and the investments of the companies may be made, not on basis of their soundness, but on the basis of their effect on sales of the companies' shares. Selling charges are often fixed to yield a maximum of fees to distributors and frequently include many hidden fees exacted from the purchasing public. The profits to be derived in the merchandising of investment-company securities has also prompted the rapid formation of investment trusts and companies by the same sponsors in order to switch investors from old companies into new companies, each switch being accompanied by exaction of a new selling load from the security holders.

In the case of those investment trusts and companies which continuously sell their shares to the public, practices have often been countenanced which have resulted in substantial dilution of the investors' equity in the fund. Such dilutions have taken place as recently as last autumn. The small investor, purchasing investment-trust shares or contracts on the installment-payment plan, has often been subjected to excessive sales loads and onerous penalties and forfeitures.

Implementing the perpetuation of all these abuses is the management's domination of the accounting practices and the scope and content of the financial reports transmitted to the stockholders. The absence of uniform accounting principles has facilitated the transmission to stockholders of annual reports which are often misleading and incomplete.

This is not a complete catalog of the deficiencies and abuses which have existed in the investment-company industry. Of course, these abuses do not exist in equal degree in all classes of investment companies or in companies within each classification. Some abuses are peculiar to certain types of companies only. In addition, some managements have taken steps to eradicate some of the defects and malpractices prevailing in the industry. However, considering the investment-company industry as a whole, fundamental deficiencies and abuses actually or potentially exist in all classes of investment companies and, in the absence of legislative regulation, will continue or recur. The problem of the protection of the investor and the national economy is too vital to permit of haphazard voluntary solutions.

Investment trusts and investment companies have furnished but comparatively little capital to industry. For the most part these organizations have invested their funds in securities which have been outstanding for some time. On the other hand, investment trusts and investment companies could be capable of performing important functions in the national economy and of becoming one of the important institutions in this country for the investment of savings along with banks and insurance companies. As media for investment in securities, particularly equity securities, investment companies may be able to offer more diversification and more competent management than the ordinary individual himself can provide if the major present temptations to management, unrestrained by effective compulsory standards of fair conduct, are removed. Certain types of investment companies could be particularly useful to the national economy in supplying the needs of new industrial enterprises through equity financing and loans, thereby making available to these enterprises sources of capital funds which would otherwise be beyond their reach. Finally, investment companies, if made into real representatives of the participating investors and not of other interests, could become more effective advocates of the great body of investors in our industrial system than the now inarticulate small stockholder.

INVESTMENT COUNSEL AND ADVISERS

The activities of investment counsel and other investment advisory persons in many respects offer the same opportunity for abuse of trust reposed in them by investors as exists in the case of managements of investment companies. The extent of their influence is only partially indicated by the fact that the portion of these advisers studied by the Securities and Exchange Commission managed or gave advice with respect to over $4,000,000,000 of funds. The bill does not attempt to deal comprehensively with the problem of investment advisers but is intended only to eliminate the more obvious basic abuses relating to the type of individual who may register as an investment adviser, profit-sharing compensation, unloadings and perpetration of frauds upon clients, and assignment of clients' contracts.

SUMMARY OF THE BILL

The bill contains two titles. Title I relates to investment trusts and investment companies of all types. Title II relates to investment counsel and other investment advisory services. The bill deals with abuses and deficiencies in the organization, sales of the securities, and operation of investment companies. In general, the theory of the bill is to eliminate wherever possible such abuses by direct prohibition of their continuance. Only in the comparatively few cases where the problems are complex and technical is a regulatory power vested in the Commission to correct malpractices by rules, regulations, or orders promulgated in accordance with precise standards prescribed in the bill. The following résumé is not a complete description of all the provisions of the bill nor of the abuses which the bill is designed to remedy.

INVESTMENT COMPANIES

Definitions, exemptions, and classifications of companies: Investment companies are substantially defined as issuers holding themselves out as engaging primarily in the business of investing, reinvesting, and trading in securities, or issuers which own or propose

to acquire securities (other than Government securities and securities of noninvestment company subsidiaries) having a value exceeding 40 percent of their total assets (other than Government securities and cash items). The bill does not cover companies which are not investment companies. It therefore excludes companies primarily engaged, directly or through subsidiaries, in the management and operation of a noninvestment business or businesses. It also specifically excludes brokers, underwriters, banks, insurance companies, holding companies subject to the Public Utility Holding Company Act of 1935, and certain other types of companies. The bill makes provision for the exemption of employees' investment companies upon such conditions as may be prescribed by the Commission (secs. 3, 6).

Investment companies as so defined are subdivided into various types and classes according to corporate structure and investment policies, with the power in the Commission to make further subclassifications (secs. 4, 5).

Registration, disclosure of investment policies, and size: As a condition to the use of the mails and the facilities and instrumentalities of interstate commerce, every investment company is required to register with the Securities and Exchange Commission and to keep current the information contained in its registration statement. The registration statement must clearly describe the investment policy of the company. Provision is made for the simplification of the registration procedure by permitting the filing of copies of registration statements already filed under the acts now administered by the Commission (secs. 7, 8). No fundamental shift in the company's investment policy may be made without the vote of the holders of a majority of the company's voting securities (sec. 13).

To prevent the indiscriminate formation of investment companies, no investment company organized hereafter may make a public offering of its securities unless it has a net worth of at least $100,000 prior to such offering. To eliminate impediments to the efficient supervision of investments, to protect securities markets, and to prevent excessive concentration of wealth and control over industry, $150,000,000 is the maximum amount of assets which may be supervised by one management investment company (sec. 14).

Registration of management, depositors, and distributors: The bill provides for a simple registration with the Commission of individuals serving as officers, directors, investment advisers, depositors, principal underwriters, and distributors of the securities of investment trusts and companies. Registration can be denied or revoked only after a hearing and only upon the ground of conviction of a crime; an injunction by a court in connection with a security transaction; a violation of any of the provisions of this bill; or misrepresentation of material facts in the registration statement (sec. 9).

Capital structures, devices for, and transfers of control: Provision is made to eliminate in the future the evils of complex capital structures; to apportion voting power equitably among the security holders of existing companies, and to prevent unfair dilution of stockholders' interest in the company. The bill provides hereafter that investment companies may issue only common stock having equal voting rights with every outstanding share of the company's stock; and that the Commission shall, on application of security holders, and may on its own motion, after 2 years from the effective date of the bill, take steps to effect an equitable redistribution of voting rights and privileges among the security holders. The common law preemptive right of stockholders to purchase additional shares issued by their companies is restored (sec. 18). The sale of voting trust certificates is made unlawful, and rules and regulations may be formulated with respect to the solicitation of proxies (sec. 20). The bill does not contain any provision requiring the elimination from capital structure of senior securities outstanding at the present time.

In order to prevent the circumvention of the stockholders' fundamental right to elect directors—a circumvention frequently accomplished by wholesale resignations of directors and their replacement by insiders, without the knowledge of stockholders—the bill provides that directors may be replaced without a stockholders' vote only to the extent of one-third of their number (sec. 16).

To safeguard against the complete delegation of the duties of officers and directors, and against long-term and oppressive-management contracts, such contracts may run for a period of not exceeding 2 years, if approved by the company's stockholders, and may be renewed on a year-to-year basis, subject to the disapproval of stockholders. Management contracts must state precisely all compensation to be paid to the managers, may not provide for profit-sharing schemes of compensation, and may not be assigned (sec. 15).

Distribution and repurchases of investment-company securities: To prevent the rapid and unsound formation of investment companies by promoters interested primarily in "merchandising" securities and in "switching" investors from old to new companies, and to eliminate conflicting interests, the bill prohibits the promoters of one investment company, within any 5-year period, from promoting and then participating in the management or securities distributions of the new investment companies. The Commission is empowered to exempt companies and individuals from this and other closely related provisions on the basis of certain prescribed standards (sec. 11). As a further deterrent to switching operations, contracts to distribute the securities of open-end investment companies may not be long-term agreements and may not be assigned (sec. 15).

While publicly offered securities of investment companies must be registered under the Securities Act of 1933, provision is made to eliminate duplication in the material filed under that act and the present bill (sec. 24). The Commission is directed to adopt rules and regulations to protect investors against dilution of their equity caused by pricing abuses in the distribution and redemption of the companies' securities (secs. 22, 23). To prevent grosly excesisve sales loads on securities of open-end companies and of unit investment trusts, the Commission, after a hearing and after giving weight to various factors prescribed in the bill, is empowered to order the cessation or modification of such charges (sec. 22).

To prevent discriminatory repurchases of their own securities by investment companies whose security holders do not have the right to require redemption, the bill authorizes the Commission to promulgate rules, regulations, and orders to prevent such discrimination (sec. 23).

Limitation on speculative and other activities: Investment companies may not trade on margin or participate in joint trading accounts in portfolio securities. The Commission is authorized to prevent the short sale of portfolio securities by rules and regulations. Some types of investment companies may engage in underwriting activities, if consistent with their declared financial and investment policies, while other types may engage in such activities only to a lmited extent (sec. 12).

While loans by investment companies to natural persons are prohibited, loans to corporations may be made under certain specified conditions. Generally, investment companies are prohibited from borrowing, except for temporary purposes in an amount not exceeding 5 percent of the value of the company's total assets (sec. 21).

Elimination of conflicting interests: The bill requires that a majority of the board of directors of every registered investment company be persons having no common outside affiliation and independent of those receiving brokerage, management, or underwriting compensation. Certain other specific limitations upon the outside affiliations of persons who occupy important positions in the conduct of the investment company's business are also imposed. Each of such provisions is directed to a specific and dangerous conflict of duty or interest (sec. 10).

Prohibitions against transactions by insiders with the investment companies: The bill prohibits "self-dealing" between insiders and the investment companies—transactions with the company in which its officers, directors, managers, etc., or their affiliated companies or firms have a personal pecuniary interest. These prohibitions are concerned primarily with sales and purchases of securities and other property to or from the investment company, the obtaining of loans from the company and joint participations with the company in underwritings and other financial ventures. Gross misconduct or abuse of trust by directors, officers, managers, investment advisers, principal underwriters, and distributors is also made unlawful (sec. 17). To prevent the use of the funds of investment companies to aid affiliated underwriters in their investment banking business, investment companies may not purchase securities underwritten by such affiliated persons until more than 1 year after the public distribution of such securities (sec. 10).

Transactions among pyramided and affiliated companies: Future pyramiding of investment companies is made unlawful by a provision forbidding the purchase by investment companies of the securities of other investment companies, except in connection with reorganization plans approved by the Commission (secs. 12, 25). The bill does not require the simplification of existing systems of investment companies.

Purchases and sales of securities between companies in the same investment company system are subjected to the scrutiny of the Securities and Exchange Commission in order to insure their fairness and their consistency with the investment policies of the companies involved and the purposes of the bill (sec. 17). The Commission is authorized by rules, regulations, or order to require that a company in an investment company system supplying management services to the constituent companies render such service at cost, equitably allocated among the various companies (sec. 15).

Cross-ownership and circular ownership of voting securities between and among investment and other companies is prohibited (sec. 20). Cross-ownership and circular ownership have had the effect in the past of giving a deceptive appearance of enhanced valuation of the assets of the investment companies concerned, attributable solely to the mirroring in each company of increased values of its own cross or circularly held securities.

Voluntary and involuntary reorganization: In order to prevent unfair plans of voluntary and involuntary reorganization, recapitalization and dissolution, the bill provides that such plans may be disapproved by the Commission if it finds, after a hearing, that they are not fair and equitable to all classes of security holders affected (sec. 25).

Accounting practices: The Commission is authorized to prescribe uniform accounting and auditing methods and the scope of such audits; to require investment companies to file with it and to transmit to its security holders annual or other periodic and special reports; and to examine the books of investment companies. Independent public accountants for investment companies must be elected by the stockholders. Principal accounting officers including controllers of such companies, who participate in the preparation of financial statements filed with the Commission, must be elected by the stockholders or appointed by the directors (secs. 30, 31, 32).

Dividends: Investment companies are prohibited from paying dividends derived from sources other than their net income from interest and dividends ("ordinary" income), unless expressly authorized to do so by their charters or by vote of their security holders. In-

vestment companies with more than one class of securities outstanding may not pay dividends, unless the securities senior to the security on which the dividend is to be paid are protected by a prescribed asset coverage (sec. 19).

Fixed trusts and certificates sold on the installment plan: To prevent the "orphaning" of fixed trusts and periodic payment plans, the bill provides that only banks and trust companies may act as trustees; requires the trust indenture to contain provisions enabling the trustee to be remunerated out of the trust funds; and prohibits the trustee or depositor from resigning except under prescribed conditions. The Commission is empowered, when any such trust has in fact become an "orphan," to bring proceedings in an appropriate Federal district court for the distribution of its assets to its security holders (secs. 26, 27).

To prevent the perpetration of frauds upon investors in the lowest income levels who may purchase investment certificates upon the installment plan, provision is made against excessive sales loads and excessive penalties and forfeitures for lapses and defaults (sec. 27).

Face-amount certificate companies: Companies which sell this type of investment contract are required to have a minimum paid-in capitalization of $250,000 and must maintain reserves in an amount sufficient to meet the maturity value of their certificates on their due dates. Such reserves must be invested in securities of a character similar to those usually required for the investment of life-insurance-company reserves, and the Commission may require such investments to be deposited with corporate trustees. To eliminate excessive penalties and forfeitures, provision is made with respect to cash surrender values (sec. 28). The Bankruptcy Act is amended to provide that deposits of securities and property made with State authorities for the benefit of future certificate holders shall be void as against the trustees in bankruptcy of such companies. It is also provided that any such trustee in bankruptcy shall be appointed by the court after giving the Commission an opportunity to be heard (sec. 29).

Other provisions: Settlements of claims against investment companies and their officers and directors for breaches of official duty and settlements of class suits by security holders must be approved by a court. The Commission is empowered to submit advisory reports to the courts with reference to such settlements (sec. 33).

The remaining sections of the title follow the pattern already established in the three acts now being administered by the Commission. These sections relate to definitions; the general powers of the Commission with respect to the issuance of rules and regulations; the administration and enforcement of the title; the right to judicial review of orders of the Commission; liability for misleading statements; and penalties for violation of the provisions of the title.

INVESTMENT ADVISERS

Registration, revocation, and exemptions: Title II of the bill deals with investment advisory services—individuals or organizations engaged in the business of furnishing for a consideration investment advice with respect to the purchase or sale of securities. Banks, attorneys, accountants, engineers, etc., who give investment advice only as an incident of their primary activities are excluded from the provisions of this title (title I, sec. 45 (16)). Investment advisers are required to register with the Securities and Exchange Commission and to disclose pertinent information as to their organization, nature, and character of their personnel, and methods of operation. The Commission is empowered, after a hearing, to deny or revoke the registration of any investment adviser on grounds identical with those provided for the denial or revocation of registration of officers, directors, etc., of investment companies (sec. 204).

Conflicts of interest and unlawful activities: The bill provides that it shall be unlawful for investment advisers to employ fraudulent devices in administering the funds of clients or to engage in any transaction which would operate as fraud on the clients. An investment adviser acting as principal in selling any security to a client is required to disclose to the client his personal interest in the transaction (sec. 206). The bill also prohibits compensation to investment advisers on a profit-sharing basis (sec. 205).

CONTINUANCE OF PUBLIC-WORKS PROGRAM

Mr. ANDREWS. Mr. President, I ask unanimous consent to introduce a bill providing $300,000,000 for the continuance of the public-works program. The bill authorizes loans to public bodies and nonprofit organizations for public works and makes an appropriation therefor. It provides a self-financing and self-perpetuating revolving fund which ultimately will cost the Federal Government nothing.

The cessation of Federal assistance in the form of loans to State and local bodies in the prosecution of a public-works program will bring serious economic consequences and add to the Nation's already critical problem of unemployment—unemployment of men and money.

Last September the Public Works Administration returned some 5,000 applications of public bodies for assistance in public works because of the failure of Congress to provide for the continuation of this important undertaking.

These 5,000 applications represented a great backlog of useful, sound public undertakings. If anything, the need for this work is greater today than it was when the applications were returned last fall. The bill I am introducing today will take up where the Public Works Act of 1938 left off.

From one end of the country to the other there is pressing need not only for employment but for the public structures American communities planned to erect under P. W. A. My bill will go a long way toward filling that need.

The bill I am proposing, in brief, continues the Public Works Administration, giving it a $300,000,000 revolving fund for this purpose. And every penny of that $300,000,000 will be returned to the Treasury.

My bill goes beyond the scope of the bill introduced by the Senator from New York [Mr. MEAD] in that the projects to be financed are not limited to hospitals, water works, and sewerage systems. Just as in the 1938 act, loans are to be made to public bodies, loans may also be made to nonprofit organizations to finance hospitals, health centers, clinics, colleges, schools, recreational facilities, or facilities for handling and storage of farm products, if such projects are devoted to public use.

Every loan must mature within the useful life of the project for which made, but not to exceed 50 years.

The bill requires that all workmen, laborers, and mechanics employed in the construction of any project shall be paid the prevailing wage for the corresponding classes of workmen employed on projects of a similar character in the same locality. No workman shall be compelled to work a greater number of hours per week than the applicable maximum established by the Fair Labor Standards Act of 1938, or be compensated at a rate less than the applicable minimum rate established by that act.

The bill provides that obligations purchased thereunder, when sold by the United States, shall be guaranteed as to principal and interest by the Government. A guaranty fund for the payment of any demands which might be made under such guaranty is to be provided initially from the sales of securities now held in the P. W. A. portfolio. The interest rate is to be fixed by the Commissioner of Public Works so as to maintain the guaranty fund in a sufficient amount and to reimburse the Treasury for the interest it pays on the money placed in the revolving fund.

There being no objection, the bill (S. 3589) to authorize loans to public bodies and nonprofit organizations for public works, and making an appropriation therefor, was read twice by its title and referred to the Committee on Banking and Currency.

HOUSE BILL REFERRED

The bill (H. R. 8913) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1941, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

EXTENSION OF RECIPROCAL TRADE AGREEMENTS ACT—AMENDMENT

Mr. WILEY submitted an amendment intended to be proposed by him to the joint resolution (H. J. Res. 407) to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, which was ordered to lie on the table and to be printed.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT—AMENDMENT

Mr. BROWN submitted two amendments intended to be proposed by him to the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939, which were ordered to lie on the table and to be printed.

AMENDMENT TO LEGISLATIVE APPROPRIATION BILL

Mr. MEAD submitted an amendment proposing to adjust the compensation of the messenger at special gallery door, intended to be proposed by him to House bill 8913, the legislative appropriation bill, 1941, which was referred to the Committee on Appropriations and ordered to be printed.

AMENDMENTS TO INTERIOR DEPARTMENT APPROPRIATION BILL

Mr. THOMAS of Oklahoma submitted an amendment proposing to appropriate $185,000 for hospital facilities for the Creek Nation, and so forth, intended to be proposed by him

to House bill 8745, the Interior Department appropriation bill, 1941, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CLARK of Idaho submitted an amendment intended to be proposed by him to House bill 8745, the Interior Department appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed, as follows:

On page 6, line 14, after "$250,000" and before "Provided", insert the following clause: "For the detection, prevention, and suppression of fires on lands within grazing districts, including the maintenance of patrols, the employment of field personnel, and purchase of necessary equipment, $130,000."

SALE AND DISTRIBUTION OF NATURAL GAS AND PETROLEUM

Mr. NYE submitted the following resolution (S. Res. 245), which was referred to the Committee on the Judiciary:

Resolved, That the Judiciary Committee of the Senate is hereby authorized to take testimony, investigate, and report to the Senate (a) whether any person, partnership, or corporation has violated, or is violating, the antitrust laws by acting in a manner which created a monopoly or tends to create a monopoly for the control of the production, transportation, sale, and distribution of natural gas and petroleum, and (b) whether the antitrust laws have been fully, adequately, and impartially enforced to enable consumers and potential consumers to obtain supplies of natural gas and petroleum on a competitive basis.

For the purpose of this resolution the committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places during the sessions and recesses of the Senate in the Seventy-sixth Congress, to employ such assistance, to require by subpena or otherwise the attendance of such witnesses, and the production of such books, papers, and documents, to administer such oaths, to take such testimony, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words.

The expenses of the committee, which shall not exceed $10,000, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

ADDRESS BY REAR ADMIRAL C. H. WOODWARD REFORE EASTERN SAFETY CONFERENCE

[Mr. WALSH asked and obtained leave to have printed in the RECORD the address delivered by Rear Admiral Clark H. Woodward, United States Navy, commandant of the third naval district, at the sixteenth annual eastern safety conference held at Newark, N. J., February 15, 1940, which appears in the Appendix.]

EXTRACT FROM REPORT BY NICHOLAS MURRAY BUTLER TO CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

[Mr. THOMAS of Utah asked and obtained leave to have printed in the RECORD a portion of the annual report of Nicholas Murray Butler, director of the division of intercourse and education, to the Carnegie Endowment for International Peace, which appears in the Appendix.]

BERMUDA AND THE BRITISH WAR DEBT

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD an article by Mr. Lynn A. E. Gale entitled "If Bermuda Had Been American, Not British, Soil," which appears in the Appendix.]

RESOLUTIONS OF HOLLYWOOD CENTRAL YOUNG DEMOCRATS

[Mr. PEPPER (by request) asked and obtained leave to have printed in the RECORD a letter addressed to him by the president of the Hollywood Central Young Democrats, of Hollywood, Calif., together with resolutions adopted by that organization, which appear in the Appendix.]

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from Florida [Mr. PEPPER] had the floor and expressed a desire to continue his address today. In fact, he obtained unanimous consent to do so.

Mr. SMATHERS. Mr. President——

Mr. PEPPER. I yield to the Senator from New Jersey.

Mr. SMATHERS. Yesterday a colloquy occurred between the Senator from Alabama [Mr. BANKHEAD] and the Senator from New Mexico [Mr. HATCH] upon the subject of some prosecutions taking place in the State of New Jersey, and the question was raised whether or not the prosecutions were under the Hatch Act. I ask unanimous consent to have published in the RECORD as a part of my remarks a newspaper article appearing in the Atlantic City Press under date of March 13. The heading is "Judy Clears McGrath—Dix's Fate Undecided at Midnight." At the end of the article it is stated that the prosecutions were not under the Hatch Act.

The VICE PRESIDENT. Is there objection to the request of the Senator from New Jersey? The Chair hears none.

The article is as follows:

[From the Atlantic City Press of March 13, 1940]

JURY CLEARS MCGRATH, DIX'S FATE UNDECIDED AT MIDNIGHT

Thomas McGrath, former Pleasantville W. P. A. supervisor, was exonerated on two indictments charging him with extortion and receiving political funds from W. P. A. workers by a jury in United States district court at Camden last night.

George Dix, his codefendant, was also found not guilty on the extortion indictment.

When the jury returned at 10:30 p. m., after 10 hours of deliberation, it brought in a verdict in the second indictment finding Dix guilty of receiving political funds but finding him not guilty of soliciting the money.

Judge Biggs told the jurors that they must find the defendant either guilty or not guilty of both soliciting and receiving the money from the W. P. A. workers. He said the two acts could not be separated in the verdict.

RETIRE AT MIDNIGHT

The jury again retired and at midnight they had reached no new verdict in the Dix case.

If he is convicted under this act, passed in 1883, he faces a maximum term of 5 years in prison and $5,000 fine on each count.

Twice during the afternoon the jury returned for instructions. On the first occasion they asked Judge Biggs if the charges came under the Hatch Act. They were told they did not.

On the second trip back to the bench, the jury asked if soliciting and receiving funds were the same and were told that the two acts were equally unlawful.

PLEADS FOR DIX

George Naame, counsel for Dix, in summing up the case for the jury, said that all eight W. P. A. workers who testified for the Government were a part of the Democratic organization in Pleasantville and had made volunteer contributions to their party through Dix.

"If Dix is guilty of receiving political contributions from Federal workers, then far greater Federal officials are guilty of far greater crimes," Naame said.

"POLITICAL ENEMIES

"You have the right to infer that these men were political enemies of Dix and that this was their way of getting even. Out of the 50 or more skilled workers who received exemptions and higher pay, only these few testified against these two men," Naame continued.

Robert McAllister, counsel for McGrath, pointed out to the jury that none of the men had testified to giving any money to his client.

But William F. Smith, assistant United States attorney, declared that it was not the Democratic Party on trial, but the two defendants, who, he said, "had been taking bread and butter out of the mouths of the W. P. A. workers.

"Do you think that these W. P. A. workers went to Dix every pay day and out of $65 received for 2 weeks, gave him $10 voluntarily?" Smith asked.

SAYS CLUB GOT MONEY

Smith said that he realized there were defects in the case against McGrath, but he declared that even if he aided and abetted Dix on the witness stand, he was equally guilty.

Dix, in taking the stand in his own defense, as the trial was resumed in the morning, declared that he had turned all the money which he collected over to the treasurer of the Pleasantville Democratic Club and said that it had been given to him voluntarily by the W. P. A. workers. He said he was suspended from the W. P. A. on October 20, 1939, and denied that he had any agreement with McGrath to force the payment by the workers.

Under cross-examination by Smith, Dix admitted that he held no office in the Mainland political club and denied that he used any of the money himself.

Mr. HATCH. Mr. President, will the Senator from Florida yield to me?

Mr. PEPPER. I yield.

Mr. HATCH. The information just divulged by the Senator from New Jersey is not quite complete in itself. This morning I also received information of the prosecution referred to. On yesterday I merely read into the RECORD what

the newspaper said. The prosecutions were for offenses committed long before the passage of the act which was enacted last summer.

Mr. PEPPER. Mr. President, a day or two ago a friend of mine from New York told me a story which seems to me to illustrate pretty well what might be said about State sovereignty in this day and time. He said there was in his State a certain gentleman who was very fond of the game of poker. One evening, as he had done several times before, he had his friends in for a game. They enjoyed themselves very much that evening, so much so that when 12 o'clock arrived, the agreed time for quitting, the host suggested to his friends that they continue the game. One of his friends said, "Well, what about your wife? May she not perhaps object to our staying later?" The host said, "Oh, don't you worry about that. I will take care of that, fellows. We are having a good time. Let's just play right on. When it comes to my own household, fellows, I am a Julius Caesar." The game was resumed; and about that time the door opened, and the wife arrived. She said, "Good evening, gentlemen," and they rose and spoke. She said, "Gentlemen, in the dining room you will find food and drink. I want you to go in and partake of it as you will, and I want you to enjoy yourselves and stay just as long as you will stay." Then she turned and said, "But as for Julius Caesar, here, he is going to bed." [Laughter.]

State sovereignty will be about as secure as this gentleman's domestic sovereignty, it seems to me, if this bill is passed as proposed by the able Senator from New Mexico.

Mr. NORRIS. Mr. President——

Mr. PEPPER. I yield to the Senator from Nebraska.

Mr. NORRIS. The Senator ought to have finished the story. Did Julius go to bed, as a matter of fact, or did he not?

Mr. PEPPER. The deduction of the able Senator from Nebraska was completely justified by the fact. Julius Caesar immediately retired. [Laughter.]

Mr. President, in justice to those of us who have opposed this bill, I want to say that it is our understanding of the bill, first, that it is not a clean-politics bill. It is not a bill to prevent corrupt practices in political campaigns.

It is not a bill to prevent excessive interference in political campaigns by moneyed interests of one sort or another; it is not a bill to prevent corporate enterprise or any other influence from reaching across State lines to interfere unjustly in any State campaign or election. It is not a bill for a civil-service system in the administrative agencies of this Government. It is not a bill which sets up a merit system for personnel in the agencies of the Federal Government, or in the agencies of State governments which receive Federal contributions. It is not a bill which tends to create a more competent staff of administrative officials. It strikes at no abuse which has been brought to the attention of the American Congress, because it deals with State activities, with State employees, in regard to State matters, and, so far as that subject is concerned, I know of no investigation, I know of no protest or clamor which comes from the people themselves in the several States demanding the passage of legislation of this character.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HATCH. If the Senator will come to my office I shall be glad to turn my files over to him, which include communications from every State of the Union.

Mr. PEPPER. I should be glad to know the nature of the communications and their number, to see whether they were representative of the several States of the Union. At least so far as has been disclosed on this floor, the initiative for this legislation comes from the able Senator from New Mexico, and perhaps others who have had unhappy experiences in their States, or anticipate that they might have unfortunate experiences, and it does not come from the masses of the people of America themselves. Therefore, we protest against the proposed legislation, because it is not designed to circumscribe the activities of Federal officials with respect to Federal affairs. It is not confined to curtailing coercion upon even State employees by State officials. It circumscribes the activities of the individual State employees in respect to matters in which they only may have a personal interest.

I would imagine, if I had heard just the early part of this debate, and perhaps had casually only read the bill, that it was designed to prevent the growing up of great State machines, of one sort or another, which might have some unwholesome influence in political life. If that were the only object of the bill, it would stop with the provision that State officials, if they are partially financed by Federal funds, may not coerce their employees and may not use their official power to interfere with an election. If that were the object of the bill, that would be a sufficient prohibition to reach the abuse at which it was aimed. But the able Senator from New Mexico stated on the floor of the Senate yesterday that if the language my amendment proposes to strike out, namely, "No such officer or employee shall take any active part in political management or in political campaigns," were stricken out, perhaps he would not vote for the bill.

So his point of emphasis is not the breaking down of State machines, it is not the curbing of coercion on the part of State officials against their employees, it is not intended to restrain State officials from interfering with local elections; it is to circumscribe the activities of individual men and women in their own States, in dealing with their own local affairs on their own initiative. They do not have to act in concert; they do not have to act in an organized way which might constitute a menace, which might constitute interference. They may go in either one of their several directions, and they will violate this law whether their political activity is on their own initiative or that of some relative in the family, or because of their political convictions or what not. I say that goes too far to serve the legitimate purposes of this kind of legislation, and that in carrying it too far the able Senator is going to defeat the noble purposes which lie behind this legislation.

I might give a recent example of how that principle is going to work out as to another agency of the Government. The Federal Bureau of Investigation has risen into the highest esteem which perhaps any agency of Government enjoys among the people of this country. Everyone was in favor of its activities; Congress appropriated liberally for it; we all lauded its efforts. Then what happened? It crept further and further and further in its zeal, in its interference with local affairs, until finally, not the Senator from Florida but the Interstate Commerce Committee of the United States Senate, in the last few days reported a resolution for an investigation of that agency, after the subject was pointed to by the able Senator from Nebraska [Mr. NORRIS], and after a resolution had been offered by the able Senator from Rhode Island [Mr. GREEN].

This indicates that when we go too far we get an unfavorable reaction. We do not desire to curb the activities of the Federal Bureau of Investigation. We want it to be an efficient, effective functioning agency to protect the people of America. But just as soon as it loses its sense of discretion, just as soon as it throws off reasonable restraint, just as soon as it gives way to excessive zeal there begins a reaction, and we find the Committee on Appropriations of the House of Representatives calling Mr. Hoover before it and interrogating him about his activities, with a view to diminishing his appropriation if they found him going beyond what they thought were reasonable activities of the Federal Bureau of Investigation.

Involved in the pending bill is the danger of the Federal Government, if the language to which I have referred remains in the bill, attempting to police every man and woman out of about 2,800,000 who work for the Several States of this country. It is an impossible task administratively. It will merely mean that an army of snoopers will be all through the State organizations; that employees will be encouraged to report on one another, and concoct some kind of a story just before election. Perhaps one will say, "I heard Miss Smith, the lady who got a raise when I did not, say that she was

going to vote for Mr. So-and-So." And they will be bringing it to the attention of the Attorney General, and asking him to send out an investigator to find out whether Miss Smith said, "Tonight I am getting up a little party at my house to forward the candidacy of Mr. So-and-So," or whether she said tonight she was merely going to have a little party at her house, and she only said she was in favor of Mr. So-and-So.

Mr. HILL. Mr. President, will the Senator yield?

Mr. PEPPER. I yield.

Mr. HILL. The Senator speaks of going too far. Have we not a perfect illustration of that kind of thing in the prohibition amendment to the Constitution, and the Volstead Act? Certainly no legislation was ever put on the statute books to carry out a higher purpose or a nobler motive than the Volstead Act and the eighteenth amendment to the Constitution. Yet they went too far. Public sentiment was not for the amendment or for the act; and what happened? There was so much violation of law, so much disregard of law, so much disregard of the American Constitution itself, that we had to repeal the amendment, and then, of course, repeal the act.

The great trouble, when we go too far, is that we not only invite violations of the act we pass, but we breed and create disrespect for all law and all constituted authority of government. In the particular instance the Senator is so well discussing and clearly pointing out, we go beyond public sentiment, we go beyond what the people themselves believe is right and justified, and we get this kind of reaction, reaction not only against the law we pass, but against all government and all constituted authority.

Mr. PEPPER. Mr. President, I thank the able Senator from Alabama, and I agree a hundred percent with every word he has said. There never was an effort made to do such a thing which did not come from a generous and a noble and a wholesome impulse. But some of the most severe criticisms which have been directed against any part of the New Deal program have come from those who have conscientiously thought that perhaps we went a little further than the facts and circumstances imperatively justified or required. If the able Senator from New Mexico is to have the great legislation which he has already put upon the statute books remain upon the statute books, if it is to be permanent American policy, he would better be satisfied with reasonable success.

I said this bill was not a civil-service bill. The Senator from New Mexico knows that there is pending in a committee of the Senate a bill which has passed the House of Representatives, sponsored by Representative RAMSPECK, of Georgia, providing broad extension of the civil service in this country. That presents a square-cut issue: Do you believe in civil service, or do you not? Do you believe in the merit system for the selection of personnel, or do you not? But the able Senator from New Mexico is not giving us a civil-service system, a merit system; he is not saying, "Let us amalgamate this bill with the Ramspeck bill." He is not saying, "Let us take a committee and hash this thing over and put into this very legislation, perhaps, a corrupt practice bill, a civil-service bill, and a bill to improve the conduct of personnel and restrict pernicious political activity."

I believe that if this bill had been limited to pernicious political activities, as was contemplated in the Miller amendment, there would not have been any substantial controversy about its passage, but to say that the Federal Government shall go into a county in Alabama, or Florida, or Nebraska, and ferret out a stenographer, ferret out a janitor, ferret out a doorkeeper, ferret out a file clerk, ferret out a State highway engineer, a man working on the road with a pick and shovel, a man running a grading machine, a girl who is perhaps running a machine such as a comptometer and shall police the political activities of every one of those men and women in respect to local affairs, is the most preposterous proposal I have ever heard suggested since I have been in the Senate.

Mr. STEWART. Mr. President——

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). Does the Senator from Florida yield to the Senator from Tennessee?

Mr. PEPPER. I yield.

Mr. STEWART. I wish to inquire exactly what the Senator's amendment is. As I understand, it is an amendment dealing with certain language of section 12.

Mr. PEPPER. That is correct. I wish the Senate to know exactly the purpose of my amendment. I propose by my amendment to strike out the following language in lines 21 and 22, on page 4, in section 12:

> No such officer or employee shall take any active part in political management or in political campaigns.

My amendment does not affect the language which appears previous to the language which I would delete, as follows:

> No officer or employee of any State or local agency who exercises any function in connection with any activity which is financed in whole or in part by loans or grants made by the United States or by any Federal agency shall use his official authority or influence for the purpose of interfering with an election or affecting the result thereof.

I do not by my amendment impair that language. It deals with the pernicious political activity which the Senator from New Mexico wants to strike at, as I understand, but I do want to take out the curb which he proposes upon the activity which is engaged in by the individual employee upon his or her own initiative.

Mr. STEWART. Mr. President, the words that are proposed to be stricken from section 12 of the measure are simply:

> No such officer or employee shall take any active part in political management or in political campaigns.

Mr. PEPPER. That is correct.

Mr. STEWART. In the print which appears on our desks this morning, which is a print ordered to be made of the measure, together with the amendments adopted to date, the amendment which the Senator has offered would appear in lines 23 and 24.

Mr. PEPPER. Mr. President, that is not the official bill. That print was provided simply for the convenience of the Senate.

Mr. STEWART. I wish to ask the Senator another question concerning his amendment. What effect would it have on the original Hatch Act?

Mr. PEPPER. It would not affect the original Hatch Act in any way whatsoever.

Mr. STEWART. While I am on my feet I may ask the Senator another question. In the reprinted copy of the bill which lies on our desks this morning, which is the original bill together with the amendments which have so far been adopted, on page 7, lines 21 and 22, it is provided that when any employee has violated the act, and within the period of 18 months been reemployed, a sum twice the amount of the annual salary of such employee may be withheld by the Government from its loans or grants to a State. With respect to that amount, which is referred to as twice the amount of the annual salary of such employee, is it the purpose of that provision, or could such a construction be placed on it, that the employee himself shall lose his salary?

Mr. PEPPER. No; Mr. President, I assume the fair interpretation would be that the amount is to be withheld from the State or from the agency affected, and not to be taken from the individual.

Mr. STEWART. I assume that to be correct, but I was wondering whether the amount which is to be fixed at twice the salary of the employee would affect the individual's salary or be deducted from his salary.

Mr. PEPPER. I think it would not affect his salary except, of course, that by his conviction he would lose his job, and therefore, of course, lose his salary.

Mr. STEWART. Let me ask the Senator one more question and then I am through. Section 12 provides that if an employee violates the provisions of this measure he cannot be employed for a period of 18 months, and it imposes the

penalty to which I just referred. The Senator yesterday afternoon in his argument said that the original Hatch Act, in section 9, subsection (b) thereof, provides that a United States Government employee violating the act cannot be reemployed at any time within 18 months, or after 18 months, or at any time in his lifetime.

Mr. PEPPER. He cannot be reemployed in that job under the Federal Government; that is correct. That appears in subsection (b) of section 9.

Mr. STEWART. The act reads:

> No part of the funds appropriated by any act of Congress for such position or office shall be used to pay the compensation of such person.

He could be employed otherwise in another capacity by the United States Government.

Mr. PEPPER. But the Senator can well imagine what chance he would have for reemployment if he first had been discharged for violation of one of the provisions of the law. That would certainly be placed on his record; so it would be a black mark against him, and he certainly would not stand much chance of reemployment.

Mr. President, that concludes what I wanted to say about the bill. The able Senator from Tennessee [Mr. McKELLAR] yesterday placed in the RECORD tables published in the report of the Secretary of the Treasury, which indicated that over a billion dollars a year is given by the Federal Government in aid to the several States, and Senators will be astonished when they discover how many ramifications there will be to this bill if enacted. In other words, it is almost an assurance that the major part of all these State and local employees will in one way or another be affected by the provisions of the bill which I am trying to strike out. I submit to the able and statesmanlike Senator from New Mexico that it is wiser, it is better, it is safer, it is more just to leave the original Hatch Act as it now stands on the statute books, and retain the pernicious political activities provision of the bill—and it would still remain in this bill if my amendment should be adopted—but cut out the ultimate extension of the measure to the local activities of employees of the several States in dealing with local matters only.

In justification of the opposition of some of us who generally favor the extension of Federal power, I thought it was appropriate to say that the reasons suggested indicate why we are not in favor of this provision of the bill.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Downey	La Follette	Schwellenbach
Andrews	Ellender	Lee	Sheppard
Ashurst	Frazier	Lodge	Shipstead
Austin	George	Lucas	Smathers
Bankhead	Gerry	McCarran	Smith
Barbour	Gibson	McKellar	Stewart
Barkley	Gillette	McNary	Taft
Bilbo	Glass	Maloney	Thomas, Idaho
Brown	Green	Mead	Thomas, Utah
Bulow	Guffey	Miller	Townsend
Burke	Gurney	Minton	Tydings
Byrnes	Hale	Murray	Vandenberg
Capper	Harrison	Neely	Van Nuys
Caraway	Hatch	Norris	Wagner
Chandler	Hayden	Nye	Walsh
Clark, Idaho	Herring	O'Mahoney	Wheeler
Clark, Mo.	Hill	Pepper	White
Connally	Holman	Reed	Wiley
Danaher	Holt	Reynolds	
Davis	Hughes	Russell	
Donahey	Johnson, Colo.	Schwartz	

The PRESIDING OFFICER. Eighty-one Senators have answered to their names. A quorum is present.

Mr. HATCH. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATCH. As I understand, the vote is on the amendment offered by the Senator from Florida.

The PRESIDING OFFICER. That is correct.

Mr. PEPPER. Mr. President, may the amendment be stated?

The PRESIDING OFFICER. The amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment reported by the committee will be stated.

The LEGISLATIVE CLERK. On page 4, line 21, after the word "thereof" and the period, it is proposed to strike out the following language: "No such officer or employee shall take any active part in political management or in political campaigns."

The PRESIDING OFFICER. The yeas and nays have been ordered. The clerk will call the roll.

RAILROADS IN THE TERRITORY OF ALASKA

Mr. TYDINGS. Mr. President——

The PRESIDING OFFICER. For what purpose does the Senator from Maryland rise?

Mr. TYDINGS. The vote has not yet been started, and I understand no Senator has the floor. Am I correct?

The PRESIDING OFFICER. The Senator from Maryland is correct.

Mr. TYDINGS. Mr. President, in the last session of Congress—that is, the session which adjourned in 1939—the Senate passed Senate bill 1785, dealing with railroads in Alaska. The bill went to the House, and the House, instead of acting on the Senate bill, passed a similar House bill. The House bill has a slight variation from the Senate bill, which does not change the philosophy of the bill but somewhat restricts the source of the money. There is practically no difference between the two bills. I know of no objection to the bill. We have been urged to pass the bill at an early date. As the measure passed both Houses in almost idential form, I ask unanimous consent that the House bill be taken up and passed at this time, so that it may be disposed of. The work should be begun as promptly as possible.

Mr. REED. Mr. President, reserving the right to object, in the absence of the Senator from Montana [Mr. WHEELER], chairman of the Interstate Commerce Committee——

Mr. TYDINGS. This bill has nothing to do with interstate commerce. It involves the use of some busses in the public parks to augment the railroad system. So far as I know, it has not the slightest relation to interstate commerce. The Department has been urging the passage of the bill for a long time, and I have been awaiting an opportunity to ask for its consideration. The bill is a very mild local measure for Alaska.

Mr. REED. I accept the statement of the Senator.

The PRESIDING OFFICER. The Chair lays before the Senate a bill coming over from the House of Representatives, which will be read.

The bill (H. R. 4868) to amend the act authorizing the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, was read the first time by its title, and the second time at length, as follows:

> *Be it enacted, etc.*, That section 1 of the act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes, approved March 12, 1914 (38 Stat. 305), as amended, be, and the same is hereby, amended by adding thereto the following:
>
> "That in order to provide for the adequate housing, feeding, and transportation of the visiting public and residents of Mount McKinley National Park in Alaska, there is authorized to be appropriated out of the general funds of the Treasury a sum not to exceed the sum of $30,000; and the President of the United States be, and he is hereby, authorized and empowered, through such agency or agencies as he may designate, to construct, reconstruct, maintain, and operate lodges, and other structures and appurtenances incident thereto; to purchase, upon such terms as he may deem proper, the personal property, structures, and buildings of the Mount McKinley Tourist & Transportation Co. that are operated and used in said park under contract authorization by the Department of the Interior, and the equities of the Mount McKinley Tourist & Transportation Co. in the business developed and conducted in connection therewith; to purchase or otherwise acquire motor-propelled passenger-carrying vehicles and all necessary fixtures and equipment, and to operate, repair, recondition, and maintain the same in order to carry out the purpose of this act, notwithstanding the restrictions imposed by law with regard to the purchase, maintenance, repair, or operation of motor-propelled, passenger-carrying vehicles; and to operate or sell the equipment and facilities herein authorized, directly or by contract

or contracts with any individual, company, firm, or corporation, under such schedule of rates, terms, and conditions, as he may deem proper."

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. BARKLEY. That, of course, presupposes that the pending business is temporarily laid aside for the consideration of this bill, and that we automatically return to the consideration of the pending business.

The PRESIDING OFFICER. The present occupant of the chair would so rule.

Is there objection to the present consideration of the bill?

There being no objection, the bill, H. R. 4868, was considered, ordered to a third reading, read the third time, and passed.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

The PRESIDING OFFICER (Mr. HILL in the chair). The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment reported by the Committee. On this question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague is unavoidably detained on important official business. If present, he would vote "nay."

The roll call was concluded.

Mr. AUSTIN. I announce the following pairs:

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If the Senator from New Hampshire were present, he would vote "nay," and if the Senator from Illinois were present, he would vote "yea."

The Senator from California [Mr. JOHNSON] with the Senator from Utah [Mr. KING]. I am informed that if the Senator from California were present, he would vote "nay," and that if the Senator from Utah were present, he would vote "yea."

The Senator from North Dakota [Mr. NYE] with the Senator from Arkansas [Mr. MILLER]. If present, the Senator from North Dakota would vote "nay," and the Senator from Arkansas would vote "yea."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from New Mexico [Mr. CHAVEZ], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Arkansas [Mr. MILLER], the Senator from Montana [Mr. MURRAY], the Senator from Nevada [Mr. PITTMAN], and the Senator from Oklahoma [Mr. THOMAS] are absent on departmental business.

The Senator from Virginia [Mr. BYRD], the Senator from North Carolina [Mr. BAILEY], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

The Senator from Oklahoma [Mr. THOMAS] is paired with the Senator from New Hampshire [Mr. BRIDGES]. I am advised that if present and voting, the Senator from Oklahoma would vote "yea," and the Senator from New Hampshire would vote "nay."

The Senator from Nevada [Mr. PITTMAN] is paired with the Senator from Louisiana [Mr. OVERTON]. I am advised that if present and voting, the Senator from Nevada would vote "yea," and the Senator from Louisiana would vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I am advised, however, that he would vote as I intend to vote and that he has a special pair on this question. I am therefore at liberty to vote.

The result was announced—yeas 28, nays 50, as follows:

YEAS—28

Adams	Caraway	Hayden	McKellar
Andrews	Connally	Herring	Minton
Bankhead	Donahey	Hill	Pepper
Bilbo	Ellender	Hughes	Schwellenbach
Brown	Glass	Lee	Smathers
Bulow	Guffey	Lucas	Smith
Byrnes	Harrison	Maloney	Stewart

NAYS—50

Ashurst	George	McCarran	Thomas, Idaho
Austin	Gerry	McNary	Thomas, Utah
Barbour	Gibson	Mead	Townsend
Barkley	Gillette	Neely	Tydings
Burke	Green	Norris	Vandenberg
Capper	Gurney	O'Mahoney	Van Nuys
Chandler	Hale	Reed	Wagner
Clark, Idaho	Hatch	Reynolds	Walsh
Clark, Mo.	Holman	Russell	Wheeler
Danaher	Holt	Schwartz	White
Davis	Johnson, Colo.	Sheppard	Wiley
Downey	La Follette	Shipstead	
Frazier	Lodge	Taft	

NOT VOTING—18

Bailey	Johnson, Calif.	Nye	Thomas, Okla.
Bone	King	Overton	Tobey
Bridges	Lundeen	Pittman	Truman
Byrd	Miller	Radcliffe	
Chavez	Murray	Slattery	

So Mr. PEPPER's amendment to the committee amendment was rejected.

Mr. BANKHEAD, Mr. DANAHER, and Mr. THOMAS of Utah addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. BANKHEAD. Mr. President, yesterday the Senate voted on an amendment which I proposed limiting contributions in campaigns to $1,000. It voted the amendment down. It is possible there may be some Members of the Senate who believe that excessive contributions constitute a pernicious political practice but feel that $1,000 is too small a limitation. I now offer an amendment exactly the same as the one voted on yesterday, except the limitation is $5,000 to any one contributor.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 7, after line 18, it is proposed to insert the following:

SEC. —. (a) Excessive financial aid to any candidate for an elective Federal office is a pernicious political activity and is hereby declared to be illegal.

(b) Excessive financial aid to any political committee or political organization engaged in furthering, advancing, or advocating the election of any candidate or political party nominee for a Federal office, or any committee engaged in furthering, advancing, or advocating the success of any national political party is a pernicious political activity, and is hereby declared to be illegal.

(c) Presidential electors and the President of the United States for the purpose of this act are declared to be elective officers.

(d) Any amount expended, contributed, furnished, or advanced by one person, directly or indirectly, in excess of $5,000 is hereby declared to be excessive financial aid.

(e) Any person who directly or indirectly contributes more than $5,000 during any calendar year or for use in any one campaign or election in violation of the provisions of this section is guilty of pernicious political activity and on conviction shall be fined not less than $5,000 and also sentenced to the penitentiary for not exceeding 5 years.

Mr. BANKHEAD. Mr. President, I do not care to make any further remarks on the principle involved in this amendment. I ask for the yeas and nays on it.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Alabama [Mr. BANKHEAD], on which the yeas and nays are demanded.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. CLARK of Missouri. My colleague the Senator from Missouri [Mr. TRUMAN] is unavoidably detained on important public business. If present, he would vote "nay."

Mr. THOMAS of Utah (after having voted in the affirmative). I have a general pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I have been informed that I can transfer that pair to the senior Senator from North Carolina [Mr. BAILEY], which I do, and permit my vote to stand.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. RADCLIFFE], the Senator from North Carolina [Mr. BAILEY], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Connecticut [Mr. MALONEY], the Senator from Arkansas [Mr. MILLER], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], the Senator from Ohio [Mr. DONAHEY], and the Senator from Nevada [Mr. PITTMAN] are absent on departmental business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

I am advised that if present and voting the Senator from Oklahoma [Mr. LEE] and the Senator from Connecticut [Mr. MALONEY] would vote "yea."

The Senator from Virginia [Mr. BYRD] is paired with the Senator from Missouri [Mr. TRUMAN]. The Senator from Nevada [Mr. PITTMAN] is paired with the Senator from Louisiana [Mr. OVERTON]. I am advised that if present and voting the Senator from Virginia and the Senator from Nevada would vote "yea" and that the Senator from Missouri and the Senator from Louisiana would vote "nay."

Mr. AUSTIN. Mr. President, I announce that on this question the Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Illinois [Mr. SLATTERY]. If the Senator from New Hampshire were present, he would vote "nay," and I am informed the Senator from Illinois would vote "yea."

The Senator from California [Mr. JOHNSON] is paired with the Senator from Utah [Mr. KING]. If the Senator from California were present, he would vote "nay," and I understand the Senator from Utah [Mr. KING] would vote "yea."

The Senator from North Dakota [Mr. NYE] is paired with the Senator from Arkansas [Mr. MILLER]. If the Senator from North Dakota were present, he would vote "nay," and the Senator from Arkansas would vote "yea."

The result was announced—yeas 40, nays 38, as follows:

YEAS—40

Adams	Clark, Idaho	Hughes	Pepper
Andrews	Connally	Johnson, Colo.	Russell
Ashurst	Ellender	La Follette	Schwellenbach
Bankhead	Frazier	Lucas	Shipstead
Bilbo	Glass	Lundeen	Smathers
Brown	Guffey	McKellar	Smith
Bulow	Harrison	Minton	Stewart
Byrnes	Hayden	Murray	Thomas, Utah
Caraway	Herring	Neely	Tydings
Chavez	Hill	O'Mahoney	Wheeler

NAYS—38

Austin	George	Lodge	Thomas, Idaho
Barbour	Gerry	McCarran	Townsend
Barkley	Gibson	McNary	Vandenberg
Burke	Gillette	Mead	Van Nuys
Capper	Green	Norris	Wagner
Chandler	Gurney	Reed	Walsh
Clark, Mo.	Hale	Reynolds	White
Danaher	Hatch	Schwartz	Wiley
Davis	Holman	Sheppard	
Downey	Holt	Taft	

NOT VOTING—18

Bailey	Johnson, Calif.	Nye	Thomas, Okla.
Bone	King	Overton	Tobey
Bridges	Lee	Pittman	Truman
Byrd	Maloney	Radcliffe	
Donahey	Miller	Slattery	

So Mr. BANKHEAD's amendment was agreed to.

Mr. BANKHEAD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McKELLAR and Mr. BROWN. I move to lay that motion on the table.

Mr. CLARK of Missouri. I ask for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion to lay on the table the motion of the Senator from Alabama to reconsider the amendment just adopted. On that question the yeas and nays have been demanded and ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS of Utah (when his name was called). I have a pair with the senior Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the senior Senator from Arkansas [Mrs. CARAWAY], and will vote. I vote "yea."

Mr. CLARK of Missouri (when Mr. TRUMAN's name was called). My colleague the Senator from Missouri [Mr. TRUMAN] is unavoidably detained from the Senate. If present, he would vote "nay."

The roll call was concluded.

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Virginia [Mr. BYRD], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Connecticut [Mr. MALONEY], the Senators from Arkansas [Mrs. CARAWAY and Mr. MILLER], the Senators from Oklahoma [Mr. LEE and Mr. THOMAS], and the Senator from Nevada [Mr. PITTMAN] are absent on departmental business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained.

I am advised that if present and voting the Senator from Oklahoma [Mr. LEE], the Senator from Arkansas [Mrs. CARAWAY], and the Senator from Connecticut [Mr. MALONEY] would vote "yea."

The Senator from Virginia [Mr. BYRD] is paired with the Senator from Missouri [Mr. TRUMAN]. The Senator from Nevada [Mr. PITTMAN] is paired with the Senator from Louisiana [Mr. OVERTON]. I am advised that if present and voting the Senator from Virginia and the Senator from Nevada would vote "yea" and that the Senator from Missouri and the Senator from Louisiana would vote "nay."

Mr. AUSTIN. I announce the following pairs on this question:

The Senator from New Hampshire [Mr. TOBEY] with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from New Hampshire would vote "nay," and the Senator from Illinois would vote "yea."

The Senator from California [Mr. JOHNSON] with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "nay," and the Senator from Utah would vote "yea."

The Senator from North Dakota [Mr. NYE] with the Senator from Arkansas [Mr. MILLER]. If present, the Senator from North Dakota would vote "nay," and the Senator from Arkansas would vote "yea."

The result was announced—yeas 41, nays 38, as follows:

YEAS—41

Andrews	Donahey	La Follette	Schwellenbach
Ashurst	Ellender	Lucas	Shipstead
Bailey	Frazier	Lundeen	Smathers
Bankhead	Glass	McKellar	Smith
Bilbo	Guffey	Minton	Stewart
Brown	Harrison	Murray	Thomas, Utah
Bulow	Hayden	Neely	Tydings
Byrnes	Herring	O'Mahoney	Wheeler
Chavez	Hill	Pepper	
Clark, Idaho	Hughes	Russell	
Connally	Johnson, Colo.	Schwartz	

NAYS—38

Adams	Downey	Holt	Thomas, Idaho
Austin	George	Lodge	Townsend
Barbour	Gerry	McCarran	Vandenberg
Barkley	Gibson	McNary	Van Nuys
Burke	Gillette	Mead	Wagner
Capper	Green	Norris	Walsh
Chandler	Gurney	Reed	White
Clark, Mo.	Hale	Reynolds	Wiley
Danaher	Hatch	Sheppard	
Davis	Holman	Taft	

NOT VOTING—17

Bone	King	Overton	Tobey
Bridges	Lee	Pittman	Truman
Byrd	Maloney	Radcliffe	
Caraway	Miller	Slattery	
Johnson, Calif.	Nye	Thomas, Okla.	

So Mr. BANKHEAD's motion to reconsider was laid on the table.

Mr. THOMAS of Utah. Mr. President, since the Chair has ruled that an addition to the committee amendment is now in order, as was ruled in the case of the Bankhead amendment, I ask that the amendment which I offer and send to the desk be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Utah will be stated.

The CHIEF CLERK. On page 7, after line 18, it is proposed to insert the following:

(a) Hereafter no person shall be appointed to any position or employed in the executive branch of the Federal Government, or in any agency or department thereof, if, during the 2-year period immediately preceding such appointment or employment, such person has taken an active part in political management or in a political campaign for the purpose of affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.

(b) The provisions of this section shall not apply to persons appointed to the Cabinet or to persons appointed to the office of Ambassador or other public minister.

Mr. THOMAS of Utah. Mr. President, the theory of the Hatch Act and also the Hatch bill which is now involved is the theory which puts restraints upon the officeholder. My amendment would put the same restraints which are upon officeholders also upon potential officeholders. In other words, as the Hatch Act and the Hatch bill deal with actuals, my amendment deals with potentials.

The bill now before the Senate has been described by its protagonists and by newspapers supporting it as a "pure politics bill." The opponents maintain that a more accurate description might be "the purely politics bill," or "the purely Republican politics bill."

The noble purpose of the bill in theory may in practice become strictly partisan. This is demonstrated by the unanimous support given the measure by the minority Members of this body despite the fact that their party held control of Federal affairs for many years and never even attempted to put a sweeping enactment of this kind on the statute books. In fact, down through the years, the desire of the Republican Party for clean politics has been mostly conspicuous by its absence.

Of course, every boy who reads the history of the political parties in America has long ago quite glibly termed "the Republican Party, a party of expediency," one always willing to change its stand in regard to anything in order to accomplish its purposes. It is therefore even marked down in the textbooks as a "party of expediency." On the other hand, the Democratic Party has stood as a party of principle. It has faced defeat, terrific defeat, but because its feet were well grounded upon principle, never once in the history of the country has it come to the point of being completely shattered. In 1932 the Republican Party was almost completely shattered. In 1936 it received another stinging blow. Judging from the splendid way in which the unanimous vote of the Republican Members of this body has been cast to sustain the Hatch amendment in favor of pure politics, one cannot help believing that as a result of these two stinging defeats a reformation has set in, and that the party today actually stands sincerely in favor of clean politics, as it boasts.

Mr. President, I grant them all of that. I could grant them even more, and in order that they may sustain their position before the country I am offering this amendment, so that they can sincerely vote for clean politics even when it applies to a Republican. That, in a nutshell, is the reason for the amendment.

We are all cognizant of the fact that every effort made in this body to restrict or to control the use of vast sums of money from private sources to swing elections has been stubbornly fought by Republican leadership. The last vote shows that I am probably mistaken in the deduction which I made a moment or two ago, because unanimously again we find them voting against the restriction of big donations, even though every Member of this body realizes that there is no greater evil and no greater danger to the American system of free elections. When the Republican leaders have yielded on the question of controlling the money power in primaries and elections, they have done so stubbornly and grudgingly.

So it should be realized at the outset that this legislation is concerned with a comparatively minor part of the broad question of clean elections, while the major evil is left untouched and unchecked. On several occasions the Senate has found it necessary to bar duly elected Members from taking their seats here because of the corrupt and scandalous use of money in elections. This has happened on two occasions in comparatively recent times, and in each case the offender was a Republican. And it is interesting to note that on each occasion the bulk of his party members stood loyally by and tried to have him seated, despite the taint on his election credentials.

With this in mind, it is easy to understand why we question the zeal of the minority party leaders in their unanimous support of the pending legislation. Their course of action lends color and substance to the belief that they are not interested in clean government so much as they are in the patent fact that, if enacted, this legislation will give them a strong partisan advantage in the coming Presidential election.

I realize the temper of this body, and I realize the fact that many Senators are supporting the pending amendment to the Hatch Act from the highest of motives. We who are doing this sincerely believe that its enactment will tend to rub out grave abuses in the elective system. With those holding this purpose I have no quarrel.

Yet I wish to point out that in its present form the proposed legislation will work a grave hardship on the party in power and confer a corresponding advantage on the minority party. For that reason I have offered an amendment to correct that situation, which reads as follows:

SEC. —. (a) Hereafter no person shall be appointed to any position or employed in the executive branch of the Federal Government, or in any agency or department thereof, if, during the 2-year period immediately preceding such appointment or employment, such person has taken an active part in political management or in a political campaign for the purpose of affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.

(b) The provisions of this section shall not apply to persons appointed to the Cabinet or to persons appointed to the office of Ambassador, public minister, or consul.

The intent of the original Hatch Act and the pending amendment was to bar subordinate employees who might be receiving all or part of their income from Federal sources from participating in Federal elections or engaging in political activities of any kind. I think this should be the law. I have supported the act up to the present time, and I will, of course, vote for the amendment to the act. There is no disputing the fact that persons in power have natural advantages, and those advantages must be restrained if they are improperly used.

I had the opportunity of witnessing the second great "Ja" election in Germany, the election of 1934, which was almost unanimous in sustaining the action of the German leader. The party in power had complete control of all the activities of government. There was not a railway engine, there was not a streetcar, there was not a post-office truck which did not carry a banner, "Vote 'Ja' in this election." Every instrument of government was used to bring about the almost unanimous result.

When the Senator from New Mexico realized that American democracy might be destroyed whenever the zealots in power attempted to coerce or to use their power in an improper manner he was on the right track, and he should be sustained by every Member of this body, and I believe he will be sustained on the final vote when it is taken.

The two-party system must be maintained at all hazards or democracy will cease to exist. It is because of my respect for the two-party system, it is because of my respect for the Republicans on the other side who also have respect for the two-party system, that I realize that when it comes to this amendment they are going to be fair. They should be fair, or they will stand forever in the position of having to face the

charge which has already been made, that instead of this being a "pure-politics bill," it is a "purely Republican-politics" bill. By their votes you shall know them, Mr. President, and I am looking forward to the vote which the Senators on the other side will cast in this particular.

Members of Congress and policy-making officials of the Government are exempt from its provisions, although it may be questioned, as has already been said so many times, whether they are not in a position to wield a more unhealthy influence upon elections than some mere department clerk or stenographer who has relatively little influence and no way of imposing his beliefs and opinions upon others.

The theoretical purpose of the act is to prevent those holding Government positions from perpetuating themselves in office by their own activities. The difficulty is that, like so many other experiments noble in purpose, it is too sweeping in its provisions and actually embodies a degree of injustice which should never be tolerated.

In the first place, it gives the impression that a stigma might be attached to the young man or the young woman who secures Government employment. The bill actually prohibits pernicious activities, such as the use of official position for political purposes. In practice it may go far beyond that, and there, Mr. President, is its striking danger. If, for example, men take advantage when there is no restriction, will such men be curbed by a mere restriction when the restriction is entirely one-sided?

The act as it will stand when amended may be administered unwisely and it may therefore forbid even the most innocent kind of participation in political organization. Everyone knows that advice which is given about political activity is generally taken in stronger degree than it is given. Young officeholders are barred from giving public expression to their belief, or from taking part in political clubs, even if they confine their activity to a time outside their office hours. No one wants to interfere with such innocent activity, yet a faulty administration may prohibit it.

I imagine that every Member of the Senate on occasion has appeared before a gathering of young folks and earnestly and sincerely besought them to take an active part in public life. It is universally recognized that the wide participation of able and honest young people in politics is one of the healthiest things that can happen in a democracy. But most of the young people in this country are not financially independent. They are not in a position to carry on their interest in public affairs as a polite and interesting avocation.

We advise them to participate in public affairs and yet when they take that advice, we pass legislation which, if improperly administered, in effect may take away some of their most precious rights as citizens. The cure may be too sweeping for the alleged evil which it seeks to correct. The persons affected by the pending legislation are not in the same category as civil-service employees. They are not given the protection of the civil-service law; they are not assured of continued employment in the event of a change of administration. Their tenure of office is dependent upon the success of the party to which they belong, a fact which every fair-minded person recognizes.

Every Member of the Senate has been in politics for the greater part of a lifetime. Many Senators started by holding minor positions in the Government service, positions that now come under the ban of the Hatch Act. There was nothing to prevent them from devoting their time and enthusiasm to political activities, and no one would assert that they are unworthy of membership in this body because they took advantage of such an opportunity.

I am at a loss to know how we are going to develop a class of responsible and capable people, with the necessary knowledge and experience of government, if we propose to discourage young people from entering public life. And despite whatever protests may be made, that is exactly what this legislation may do if administered in an ill way. Still legislation is necessary to correct abuses and, therefore, one finds himself wondering where the degree of restraint should be placed. The author of the bill has been very wise, and those who have sustained him with their votes have been very wise, to limit the provisions of the bill to activities on the part of certain definitely described persons and to certain definite evils. Those who have voted against amendments which would broaden the provisions of the measure to make it comparable to an ordinary corrupt-practices act fail to realize that to accomplish a little now and a little some other time is the way in which to bring about great reforms in this land. Therefore I believe, as I said Saturday, that those who have voted against amendments directed against truly greater pernicious political activities than those proscribed in the law have been inconsistent in their votes.

However, I should like to return to my proposition that the original act and the pending bill will give a tremendous partisan advantage to the minority party, who constitute the outs. Every practical person knows the amount of drudgery and routine work connected with a national election. The task of carrying a campaign to every voting citizen in the land as it should be done in a democracy is not a simple matter. There is small reward for the labor involved and the task never could be accomplished without the tireless support of thousands of loyal workers in the ranks. The party in power has natural advantages, and if we are to be fair, those advantages should be restrained.

The pending legislation, however, forbids a person from participating in any manner if he happens to hold even the most inconsequential Federal position. But, I ask again, why put the penalty merely upon one side? I repeat that in its administration it may do more harm than good if it is allowed to remain one-sided in its nature. There is no limitation at all on those who engage in campaign activities precisely because they wish to obtain a Federal job.

Mr. President, I dislike very much to repeat, and I trust in my remarks of today I have not repeated anything I said Saturday, but I cannot refrain from calling attention to President Grover Cleveland's inaugural address, when the beginning of political reform was in the mind of all our people and when Cleveland actually was elected because he supported the idea of reform. Cleveland realized and understood that pernicious political activity could be indulged in on both sides, and in his inaugural address he condemned quite as much the dishonest and pernicious and wicked activity on the part of those hungry for jobs as on the part of those trying to keep their jobs.

I may suggest a simple illustration. If we curb the activities of a United States district attorney in attempting to protect himself in his job, should we not put some kind of restraining influence upon the person who is trying to get his job? The restraint under this amendment is a simple one. It is merely a cooling-off process. It really says that the person who is a would-be officeholder shall wait 2 years if he has taken part in pernicious political activity before he may be appointed to the office in question. Under the bill, an officeholder is barred from activity on the theory that he might do something which would help him retain his position, while the individual on the outside, who has no other motive than the desire to get an office, may participate to his heart's desire.

Mr. President, unless we make the legislation double-barreled, unless we restrict the potential as well as the actual, an exceedingly interesting conflict may arise. For example, since today the National Government is in Democratic control, and we are making our argument entirely on the basis of good government, and not on the basis of politics; since the administrators of the various acts that call for cooperative action on the part of the State and the Nation are all of Democratic persuasion; since, therefore, the money which reaches the officeholder in theory comes through Democratic channels, what will happen in a State where Democratic officeholders, who were Democratic in the beginning, have been able to keep their jobs, when a Republican administration comes in, and the Federal Government and an honest State government, attempting to emulate the ideas of civil service and to prevent the evils of the spoils system, leave those persons in their jobs? Suppose the Governor, who is responsible for the actions of his subordinates, and his subordinates are in conflict with the party in power. There is a confusion there that can be removed only by making the

restrictions applying to civil-service employees apply also to those having non-civil-service status. Make the act apply to Democrats and Republicans alike. Make it apply to actual and potential employees alike.

I have offered this amendment in an attempt to correct this manifest injustice. If the Congress intends to limit the political activities of one class of voters, it should, in all fairness, extend the same limitations to all classes. The amendment specifically states that an individual who has participated in election activities is barred for 2 years from appointment to the executive branch of the Government, or any of the departments or agencies. The amendment, of course, exempts the Cabinet and the diplomatic corps.

This amendment is in keeping with the spirit of the Hatch Act. Obviously, if we intend, by legislation, to purify the motives of those who play a part in public life, we should be consistent and apply the same test to all on an equal basis.

Mr. President, in the States which have corrupt-practice acts, the laws which govern corrupt practices restrain the activities of individuals, not the activities of Democrats or the activities of Republicans. Can we not make this act one which will actually restrain the activities of individuals instead of restraining the activities of a political party? It is obviously unfair to impose restrictions on one group and withhold them from another.

Unless my amendment is included, there is no question that the pending legislation will work a heavy injustice on the majority party. It will be hindered and handicapped while the minority party will be free to use the full corps of prospective officeholders as an integral part of its campaign machinery. Spokesmen for the opposition party have made no secret of their intention to throw out the bulk of the present non-civil-service employees in the event of their return to power. In fact, they have made this one of their outstanding campaign boasts. They have been unable to make use of the phrase "turn the rascals out" because corruption has not been a characteristic trait of the present administration. Likewise, the phrase has too many unhappy connotations for good Republican usage. But they have heralded to the world their intention to turn out the "dreamers and the visionaries," a broad term which they use to cover all those who believe that modern problems are worth some time and attention.

My amendment, then, is really a test of good faith. It is designed to reveal whether we propose to legislate against all those who take part in politics with the hope of securing employment, or only those who happen to belong to one political party. It is expected that thousands of eager hopefuls will be ranging the countryside this summer and fall pleading the cause of the minority party, and incidentally keeping a weather eye cocked for a good juicy plum for themselves. They will be indulging in politics up to the hilt, and engaging in all kinds of activities which are forbidden to present officeholders under the terms of the Hatch bill. The distinction between these two classes is too small for the normal eye and much too small for a moral eye. If the political rights of one group are to be circumscribed, then surely the same ban should apply to the other group.

I have an instinctive aversion to the restriction of political liberties, no matter under what patriotic guise it may be cloaked. No objection may be raised to the desire of those who wish to curb pernicious activities of the kind which every thoughtful citizen deplores. The practice of officeholders using their official position to influence elections is universally condemned. But the pending legislation may go far beyond any such purpose; and there is no doubt in my mind that it imposes curbs and limitations that may arise at some future time to plague Members of the Congress. We are all aware of the fact that serious proposals have been advanced in many States to take the franchise away from those unfortunates who are dependent on relief funds or W. P. A. jobs for their subsistence. Perhaps it is more than a coincidence that the arguments advanced in favor of such legislation are precisely those used in support of the pending legislation. It is a dangerous tendency, and I have no wish to give it open or even tacit support. This we might do unless we make the legislation fair and cause it to apply to the "outs" as well as the "ins."

In any event, the pending legislation as it stands is one-sided. If we are to do the job, let us be honest and go the whole way. Any Senator who honestly believes in the principle of the Hatch bill should be ready and willing to support the amendment which I have proposed. The office seeker certainly should not be given an advantage over the officeholder. What is fair for one is fair for the other.

As the law now stands, there is no ban on the right or the advantage taken by one who is out to speak or write or engage in any form of activity he sees fit, even though it be understood that he may have a large stake in the outcome of the election. The humble officeholder, however, is barred from any real political activity. If it is too much to expect that they should be made equal before the law, at least we might be able to correct a part of the injustice by putting the officeholder and the office seeker on the same footing. That is what my amendment proposes to do.

Mr. ASHURST obtained the floor.

Mr. HATCH. Mr. President, will the Senator yield to me for the purpose of suggesting the absence of a quorum?

Mr. ASHURST. Will the Senator please withhold the quorum call?

Mr. President, I listened with interest, as I always do, to the remarks of the able junior Senator from Utah [Mr. THOMAS]. If I caught his amendment aright, it would render any person ineligible to appointment to office in any position in any executive branch of the Federal Government, or in any agency or department thereof, if during the 2-year period immediately preceding such appointment or employment such person had taken an active part in political management or in a political campaign.

Mr. President, subsection (b) of the amendment of the able Senator exempts persons appointed to the Cabinet or persons appointed to the office of ambassador or other public minister. I do not perceive why the amendment should make any distinction. I do not see why we should render a person ineligible to one office but not to another. The amendment is retroactive. It is not ex post facto, in the sense of the law, but it is retroactive; and, strange as it may seem, retroactive laws are not unconstitutional as such.

Mr. President, I move to strike out subsection (b) of the amendment of the able Senator, so that if the amendment should be adopted and become law it would apply to persons who seek to become Cabinet members or heads of departments. It would also apply to persons who seek the office of ambassador or other public minister.

Mr. President, some of the largest contributions that have been made to political campaign chests have been made by men who sought—and sometimes were appointed to—the office of ambassador or other public minister. Until lately it was almost impossible for a citizen to aspire to the honor of serving his country as ambassador unless, forsooth, he had a large fortune and had contributed no small part of that fortune to the campaign chest of the successful party.

Mr. President, I do not perceive any reason why the law should not apply to members of the Cabinet if it is to apply to other aspirants to office. Unless one makes a careful study of the powers which attend the office of a Cabinet minister, it is impossible to imagine or believe that it has such tremendous power. Yet under the amendment of the able Senator we are exempting from the provisions of this section, in haec verba, persons who may aspire to the Cabinet or to the office of ambassador or other public minister.

Mr. THOMAS of Utah. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly.

Mr. THOMAS of Utah. I wonder if the Senator has been thoughtful about the fact that the amendment which I suggested is an amendment to the Hatch Act and also an amendment to the Hatch bill, and that under the Hatch Act the President, of course, is exempt? Therefore, the amendment should be consistent with the act itself.

Mr. ASHURST. The Senator knows how little use I have for any action which is apologized for or argued for upon the mere ground of consistency, because I believe consistency to be public enemy No. 1. [Laughter.]

I am arguing the amendment of the able Senator from its own four corners. When I say "able" I do not use that word as a mere gesture in replying to the remarks of the junior Senator from Utah. I am sincere when I say "able." He is, in my judgment, one of the philosophers of the Senate as well as one of its scholars, and he must excuse me if I address myself to his amendment as he has presented it.

I am not interested, so far as this speech is concerned, with what the other provisions of the Hatch Act may be or what the other provisions of the amendments to what is known as the Hatch bill may be. I am arguing simply as to this particular amendment.

In the first place, Mr. President, in the past 7 years we in the Senate and in all other places in America have been under tremendous excitement. We have reasoned from nonexistent premises, and we have reached such conclusion as is always reached by reasoning from nonexistent premises. We have—and I am as much to blame for this as is any other individual Senator—passed law after law without even a gesture toward syntax or accuracy in using words. That has caused great trouble to the courts. We can save the courts much trouble and save citizens much trouble if we define words or use words with the connotation of their actual meaning.

For example, consider the word "active." If this bill becomes a law, it will probably go to the courts when somebody is accused of an active interest in politics. Very well; consult any dictionary. "Active" is an antonym of and the opposite of dormant or quiescent or extinct. "Active" means quick in physical movement, not dormant, not quiescent, not extinct.

The word "perniciously" does not appear before the adjective "active" in the able Senator's amendment. If the Senator had written it "perniciously active part," he would have thrown more light on the meaning, but still the courts would be driven to explore the definition of "perniciously."

Pernicious has—and if I am in error the able Senator will correct me—a Latin root, probably the word "nex," "necis," death, destruction, and with the prefix "per"—through—meaning through or leading to ruin, to death; so that a pernicious action would be one that would cause death or some malign or malignant influence or result.

Pernicious is legitimate locution. It has been used correctly, in my judgment, by the author of the legislation. But there is quite a difference between being "perniciously active in politics" and "active in politics."

I move to strike out the word "an" and insert the words "a perniciously", in line 6 before the adjective "active"; I think this would strengthen his amendment.

Mr. President, this bill, if it becomes law, is going to be a subject of a great deal of dispute among our fellow citizens and in the courts. I believe it would popularize the measure in the Senate and in the other branch of Congress if we struck from the amendment of the able Senator that provision which exempts persons appointed to positions in the Cabinet. In fact, Mr. President, one of the most active men in politics I ever knew—and I do not say that he took an improper activity—was appointed Attorney General some years ago in a previous administration. I know of instances, in my own party as well as in other political parties, of men who were perniciously active in politics being appointed to Cabinet positions. I know of instances of men who made enormously large contributions to their party's campaign chests being appointed ambassadors and foreign ministers, though in the most remote excursion of the imagination they would never have been considered for appointment had they not made enormous contributions or been thus perniciously active in politics.

Now we are treading on, I do not say dangerous ground, but we are treading on ground concerning which many people, as good as Senators are—and we are pretty good, or we think we are—doubt the wisdom.

I am a supporter of this Hatch bill; I voted for the Hatch bill which became a law, I am supporting the pending bill, and I think the able Senator from New Mexico, with a persistency, calmness, and a courage that well becomes any man, has driven forward in presenting and advocating his bill.

This bill will fail if it shall be loaded down with many more amendments such as subsection (b) of the amendment of the able Senator from Utah.

Therefore, Mr. President, at the proper time I shall move to strike from the amendment of the able Senator, section (b), so that if it shall become law a man will not be qualified or eligible for a Cabinet position or for the position of ambassador or other public minister if he comes within the purview of the law.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly I yield to the able Senator from Michigan.

Mr. BROWN. The Senator has based his entire argument, I judge, from some of the facts he has adduced, on the assumption that a contribution of money to a political campaign fund of the appointing official is prohibited by this section.

I wish to say to the Senator that, under the statements of law the Senator from New Mexico has repeatedly made here, contribution of funds by a gentleman who wanted to be ambassador, we will say, to Belgium or Russia, or any other place, would not make him ineligible for appointment under the provisions of the Thomas amendment. I think the Senator should modify his proposal, in line 7, by adding language to this effect, so that the sentence would read:

> Such person has taken an active part in political management or in a political campaign or made any contribution to a fund for the purpose of affecting the election or nomination of any candidate—

And so forth. Unless that language shall be inserted a man could make a contribution in any amount within the limits the Senate has established this morning and not be subject to the prohibition of the amendment at all.

Mr. ASHURST. All that the able Senator from Michigan has said is true. I probably violated a rule of argument when I went off on an unreturning parabola and began to discuss campaign contributions. I should have confined myself to the question of activity.

Mr. BROWN. Does not the Senator think we ought to include campaign contributions, and does the able Senator recommend that to the Senator from Utah?

Mr. ASHURST. I was going to say I had another amendment or two in mind, and the point the able Senator mentioned was in my mind, but I thought it best to offer the amendments one at a time. However, I am grateful to the able Senator from Michigan for his suggestion.

Mr. LUCAS. Mr. President, will the Senator yield for a question?

Mr. ASHURST. I yield to the able Senator from Illinois.

Mr. LUCAS. Did I correctly understand the able Senator to say that he did not think, under the Bankhead amendment, ambassadors would be precluded from being appointed? I understood the Senator from Arizona to say—I may be in error—that under the Bankhead amendment some ambassadors who have been, perhaps, contributing to campaign funds in sums of $35,000, $50,000, $75,000, and up to $100,000, because they could contribute now only $5,000, would probably become ineligible.

Mr. ASHURST. No; let me say to the able Senator I did not say that.

Mr. LUCAS. I so understood, and I apologize to the Senator.

Mr. ASHURST. No apology is necessary.

Mr. LUCAS. But that is the practical effect. If the money question is responsible for the appointment of ambassadors, the amendment of the Senator from Alabama providing that an individual may contribute not more than $5,000, I take it, will eliminate many ambassadors if they are appointed solely because they have made large campaign contributions.

Mr. ASHURST. The statement and the question of the able Senator from Illinois are pungent and proper, but it so happens that, so far as I remember—and I have a pleasant habit of not remembering what I say, because I am thus caused no trouble thereafter—but I do not recall that I said it. If the Senator will pardon me, I did say that it is within the knowledge of every man that for many years there have been appointed as ambassadors and other public ministers men who have made large contributions to their party campaign fund, and who, by even the most remote excursion of the imagination, would not have been considered for an appointment had it not been for their campaign contributions. That is about what I said.

Mr. LUCAS. I am glad the Senator repeats it, because we now understand one another perfectly.

Mr. THOMAS of Utah. Mr. President, I should like to speak to that amendment, if I may.

The argument which has been made in support of the amendment offered by the Senator from Arizona is, of course, an argument against the Hatch Act as it stands, not an argument against this amendment.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. THOMAS of Utah. Yes.

Mr. ASHURST. Why, and in what manner, does the Senator conceive that what I have said was an argument against the Hatch Act? I am not arguing against the Hatch Act. The Senator from Utah has not offered the Hatch Act as an amendment. He has offered an amendment, and I am moving to amend the Senator's amendment.

Mr. THOMAS of Utah. Mr. President, it is easy to explain. The Hatch Act exempts the President, the Vice President, and certain others. The wording of this amendment is the same as that of the Hatch Act, of course; and the purpose of my amendment is to put under equal bans the actual officeholder and the potential officeholder.

Mr. ASHURST. That is a very worthy thing, but—will the Senator yield?

Mr. THOMAS of Utah. I should like to explain this matter for half a second. But if, for instance, we are going to say that the actual officeholder shall be allowed to do certain things which the potential officeholder may not do, then, of course, the whole logic of all I have been saying in favor of my amendment goes completely out of the window, because I have tried to make the point that the Hatch Act, in its practice, operates against parties and not against individuals——

Mr. ASHURST. That is true.

Mr. THOMAS of Utah. And that if we do not put upon the office seeker a restriction like that which we put upon the officeholder, there is no equality at all in the act, and the act becomes merely the type of thing which controls the action of the party in power. I made that whole point because of the unanimous way in which all representatives of the party out of power have been voting against the amendments that are now being offered.

Mr. BROWN. Mr. President, will the Senator yield to me on that point?

Mr. THOMAS of Utah. I shall be glad to yield.

Mr. BROWN. I call the Senator's attention to the fact that section 2 of the bill, which is the prohibition against the use of official authority, applies to members of the Cabinet and to the heads of the executive departments, and I think the amendment of the Senator from Arizona is perfectly logical in line with that idea.

These men on the outside cannot have any official authority. All they can exercise is their general personal influence. The Senator is not trying to prohibit them from the use of their official authority, because they have not any official authority. They are out of office. They are not in office. The Senator is prohibiting the use of their personal, individual influence, not as officers but as persons.

So it seems to me that the amendment suggested by the Senator from Arizona is perfectly logical, certainly with respect to section 2, which prohibits the use by a Cabinet officer or an ambassador of his official authority to affect an election.

Mr. ASHURST. Mr. President, if I may interrupt the Senator, as I said before, the amendment of the able Senator from Utah is retroactive in its nature. It is not unconstitutional because of its retroactive feature. In other words, a retroactive law is not unconstitutional simply because it is retroactive. If it be an ex post facto law, it is unconstitutional; but in enacting laws which are retroactive, very great pains and much care should be employed. Do the other parts of the present bill have any retroactive features? Is there a 2-year retroactive feature to any other part of the pending bill?

Mr. THOMAS of Utah. Mr. President, surely the time element must come into any retroactive measure. It must be retroactive from some particular time. This bill, when it goes into force, cannot apply to the campaign of 1938. It will, of course, apply to the campaign of 1940.

Mr. ASHURST. True; quite so.

Mr. THOMAS of Utah. That merely means that the prospective officeholder, the would-be officeholder, the would-be appointee, must cool his feet for 2 years, and restrain himself to that extent; that is all. If he understands that he must do that, that will correct his pernicious political activity.

Mr. ASHURST. If the Senator will pardon me, I have one question which, with his kind permission, I will address to him, and also to the able Senator from New Mexico [Mr. HATCH]:

Does the provision for a 2-year retroactivity apply in any other part of the bill, or is this the first time that this provision has been used in an amendment? Is there any 2-year retroactivity in the so-called Hatch bill which we are now discussing?

Mr. THOMAS of Utah. I think not, because the Hatch bill as it stands is a prohibition against a particular class of persons. They must be officeholders. If they resign, the prohibition is not there.

Mr. ASHURST. Mr. President, as I say, I do not wish to smother the able Senator from Utah with compliments. He does not need them. We are going to have trouble with this bill in the courts. One judge is going to say that "active" means "quick." Another judge is going to say that "active" means "busy." Another judge is going to say that "active" means "physically quick." For years now—and I again bear my share of the blame, and as much more of the blame as any other Senator feels irksome to him—we have passed law after law without a gesture toward syntax. In many of the bills we have passed during the past 10 or 12 years we have reasoned from nonexistent premises and arrived at the usual conclusion which comes from reasoning from nonexistent premises.

Since this may be a penal statute, I suggest to the able Senator from Utah—and I look upon him as a man at whose feet I could sit and learn much—that he amend his own amendment on line 6 by saying "a perniciously active part." We know what "pernicious" is. That would strengthen the Senator's amendment. Then the amendment I have offered, to strike off section (b), could be added.

Mr. President, nobility does not reside with kings or courts. Nobility does not reside with Cabinet officers. Nobility resides with the individual. The Congress is generous toward members of the Cabinet, and it should be generous. Congress affords to Cabinet members any amount of clerical help which Cabinet members need, and we do right thereby. We should be justly subjected to a terrific flail of criticism if we were to pass an appropriation affording, forsooth, to each one of ourselves an automobile and a chauffeur at Government expense. No Senator would think of such a thing; yet we do supply automobiles to Cabinet members, and I have voted for it, and I am going to continue to do so. We allow them without let or hindrance to talk upon the radio at public expense. We allow them to frank out, as we should allow them to do, millions upon millions of pieces of literature at Government expense. I have voted for all that, and I bear my share of the blame if any there be. But now, Mr. President, are we to say to the boy in the purlieus of the city, to the boy on the farm in Kansas, to the cowboy on the ranch in Ari-

zona, to the fruit gatherer or the manganese miner in your State, Mr. President [Mr. JOHNSON of Colorado in the chair], "You may not be appointed to any office if within the past 2 years you have taken an active part—not 'a perniciously active part,' but 'an active part'—in politics. You must wait 2 years before that ban is removed. Elevate your sight, raise your ambition to Cabinet member, or the head of some other department, and you will not be ineligible." It does not seem fair; and I ask for a vote on my amendment to strike off section (b).

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. ASHURST. Certainly.

Mr. CONNALLY. I am going to vote with the Senator; but under section (a) would not a great number of very high-class appointments which have been made in the past have been prevented? In other words, under this amendment a man who runs for Congress and is defeated could not be appointed to a Federal position.

Mr. ASHURST. That is true.

Mr. CONNALLY. Or, in the case of a Senator who in political combat gets lame in one leg, and becomes a "lame duck," no provision could be made for his retirement in comfort. [Laughter.]

Mr. ASHURST. That is true.

Mr. CONNALLY. It seems to me it is a very radical amendment.

Mr. ASHURST. That is true, Mr. President.

Mr. CONNALLY. The Senator is familiar as no other Senator in this body with the political history of the United States, and I am sure he will bear me out in saying that the political history of the United States has been studded and jeweled by examples such as those to which I have just called attention.

Mr. ASHURST. That is very true. If I may be pardoned for a breach of modesty for a moment, we might look to Arizona for some light on this subject. A Federal official in Arizona is by custom ineligible to be a delegate to a national convention. Never has there been a Senator from Arizona, never has there been a Representative from that State, who would presume to be a candidate for the office of delegate to a Democratic National Convention. The people say, "You will bear your burden if you do your full duty as a Senator or Representative." A marshal, a district attorney, a judge, a collector of customs, a collector of revenue, by custom will leave the question of delegate to a Democratic National Convention to persons who do not hold Federal office.

Again I say, I hope the able Senator from Utah, because I believe he wants to strengthen the Hatch bill, will strike out on line 6 the indefinite article "an," and insert "a" and the words "perniciously active." There will be no great difficulty on the part of the courts in defining the phrase "perniciously active." There is a vast difference between "activity" in politics and "pernicious activity" in politics. I believe it was none other than Grover Cleveland who first used the phrase "pernicious activity." Grover Cleveland never opposed any person being active in politics, but he did wisely and patriotically inveigh against pernicious activity on the part of any postmaster, if I remember correctly.

Mr. THOMAS of Utah. Mr. President, since the wording of this amendment is made consistent, of course, with the act as it now stands, and since the act as it now stands does use the adjective "pernicious," there can be no objection at all to the amendment of the Senator in regard to inserting in its proper place the adjective "pernicious"; that is, on line 6, as I take it.

Mr. ASHURST. Mr. President, if the Senator will pardon me, I ask him to strike out the indefinite article "an" on line 6 and insert "a," and the other adjective "perniciously," so that it will read "taking a perniciously active part," and so forth.

Mr. THOMAS of Utah. I am happy to accept the amendment.

Mr. ASHURST. I thank the Senator.

Mr. THOMAS of Utah. As to the other part of the amendment, the striking out of subdivision (b), I think I should say a word about that.

Mr. ADAMS. Mr. President——

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair). Does the Senator from Utah yield to the Senator from Colorado?

Mr. THOMAS of Utah. I yield.

Mr. ADAMS. Under the amendment which the Senator has accepted the second subdivision would exempt members of the Cabinet or Ambassadors who have been guilty of pernicious political activity.

Mr. ASHURST. Mr. President, if the Senator from Utah will yield, I regret that the able Senator from Colorado was not present when I made what, out of charity to myself, I will call a strong argument. Whenever I am aruging a matter, and I see the able Senator from Colorado listening, I feel encouraged and emboldened if and when I see him by some facial expression indicating approval, and I am rather taken aback when I see that he does not indicate approval. I value his judgment highly.

Mr. ADAMS. I approve the Senator's amendment to strike out the second subdivision.

Mr. ASHURST. Before the Senator came into the Chamber I had moved to strike out subdivision (b)——

Mr. ADAMS. It seems to me that the amendment which has just been accepted makes it absolutely imperative to accept the Senator's amendment.

Mr. ASHURST. Absolutely; in my judgment; but, even if the able Senator from Utah had not amended his own amendment, as he had the right to do—and I think he strengthened it—I nevertheless would press my amendment to strike out subdivision (b), because, forsooth I just do not have the face, I have not the nerve to go out into the country and say to a certain class of citizens, "You took an active part in politics in this country, and you therefore cannot apply for office for 2 years, unless you apply for appointment as Cabinet member or Ambassador or other public Minister.

Mr. CONNALLY. Mr. President, will the Senator from Arizona permit an interruption?

Mr. ASHURST. Certainly.

Mr. CONNALLY. If subdivision (b) had been stricken out, the Senator would have brought about a state of affairs which would have prohibited the appointment, for instance, of Mr. Justice Murphy to the Supreme Court, or of Mr. Murphy as Attorney General of the United States, because he was active in politics within 2 years before the appointment. I am sure the Senator does not want to go that far.

Mr. ASHURST. Oh, no; and I do not see the application of the remark of the able Senator.

Mr. CONNALLY. Mr. Murphy was appointed to the Cabinet.

Mr. ASHURST. Oh, the Senator means if this bill had been the law?

Mr. CONNALLY. Yes.

Mr. ASHURST. The Senator is correct.

Mr. CONNALLY. The Senator would have established a system which would have made impossible the utilization by the Federal Government of men of outstanding ability in cases of that kind.

Mr. ASHURST. Quite so.

Mr. CONNALLY. Notwithstanding that, I am somewhat in sympathy with the Senator's amendment.

Mr. THOMAS of Utah. Mr. President, I think I should repeat the reasons for the placing of subdivision (b) in the amendment. This amendment has to do only with prospective appointees; it does not have to do with officeholders. The Hatch law as it stands, and the amendment proposed to the Hatch law, with which we are dealing, have to do with actual officeholders and not with prospective officeholders. The amendment was written to be consistent with the Hatch Act. Of course, I realize that I accomplish all the purposes of the amendment without subdivision (b), but if the amendment is to be a proper amendment to the Hatch Act as it

stands—and we went to a good deal of trouble to see that it would be a proper amendment to the Hatch Act as it stands, and it is in harmony with the act—subdivision (b) seems necessary. But I have no objection if the Senate wishes to strike out subdivision (b).

Mr. HATCH. Mr. President, just a word on the amendment itself. I realize and appreciate how faithfully the Senator from Utah [Mr. THOMAS] has supported those of us who have been sponsoring the pending legislation. I should like very much to be able to agree to any amendment which the Senator from Utah would offer, because I would know that the mere fact that he offered it and sponsored the amendment was evidence, at least sufficient to me, to know that it was offered and sponsored in good faith and to strengthen the bill. I am sure that that is the purpose the Senator from Utah has in mind.

I cannot agree, however, that the amendment should be adopted. I appreciate full well the problem the Senator is seeking to approach and understand the fine reasons which are behind the offering of the amendment. But I think that for practical purposes and considerations the amendment goes so far as that it would be almost certain to defeat the bill we are now discussing if it were adopted. But I wish to repeat that I am certain the Senator from Utah has no such purpose in mind, and if he thought it would have such a result he would withdraw the amendment. I believe and I hope, Mr. President, that this particular amendment will be defeated.

Mr. ASHURST obtained the floor.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield so that I may ask the Senator from New Mexico a question?

Mr. ASHURST. I yield for that purpose.

Mr. SCHWELLENBACH. My understanding is that the amendment has been amended so as to insert the word "pernicious."

Mr. HATCH. That is correct.

Mr. SCHWELLENBACH. The Senator from Arizona has assured us that that is a word which the courts understand and which they have defined.

Mr. ASHURST. Let me say to the able Senator from Washington that the courts would have some difficulty in defining what is meant by "active" in politics, but they would have less difficulty in defining what was "perniciously active." I think that is what I stated. The courts would have far less difficulty in defining what is "perniciously active." I do not think I said, and I doubt, that they have actually defined "pernicious activity." That phrase has been defined by department heads and was defined by a President many years ago, but I do not recall for the moment any Federal court defining the phrase "pernicious activity."

Mr. SCHWELLENBACH. Would not the ordinary citizen on the street have more difficulty in defining "pernicious activity" than "activity"?

Mr. ASHURST. That might be true, but do we wish to prohibit activity? That is a serious question. I think we should prohibit pernicious activity. As I stated before, the word "pernicious" is known to everyone in the Senate. We know from what stock, from what root, it is derived. We know it means "ruinous, malignant, bad." It is really a synonym for "bad." I do not think we would have any difficulty with the phrase "perniciously active," but we might have considerable difficulty if we just leave it "active."

Mr. SCHWELLENBACH. Would not the Senator agree that to the average citizen on the street the word "pernicious" is much more difficult of definition than the word "active"?

Mr. ASHURST. That is true; but when one says "Mr. Jones has pernicious anemia," we know it means anemia that is pernicious; something that is bad. I think those who are familiar with the sources of the English language will generally concede that when we use the phrase "pernicious activity" it means an activity which in good morals is a bad activity.

The word "pernicious" is defined as "having the quality of injuring or killing; destructive; fatal; ruinous; very mischievous," as "pernicious to health."

Pernicious activity in politics would be an activity that was bad for health and morals, bad for the health of the country, bad as opposed to good.

I still insist, with due deference to the able Senator from Washington, that if this amendment is to become law "perniciously" should appear before the word "active," because I do not want to vote to prohibit activity.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield further?

Mr. ASHURST. I yield.

Mr. SCHWELLENBACH. The Senator will agree, will he not, that if, as a result of the passage of the pending Hatch bill, we destroy the right of a State to operate and to carry on its governmental functions—and the word "pernicious" means something that is persistent and continuous unto death—the new Hatch bill should be called pernicious, because it would result in the death of our system of American government?

Mr. ASHURST. Mr. President, in pungent and ironical statements I am not in the same class with the Senator from Washington.

Mr. LUCAS. Mr. President, will the Senator yield to me?

Mr. ASHURST. I yield to the Senator from Illinois.

Mr. LUCAS. In view of what the able Senator has just said, does he not believe that the word "pernicious," as well as the word "active," should be defined by the United States Senate, rather than passing that definition on to the Civil Service Commission?

Mr. ASHURST. The able Senator from Illinois was called out of the Chamber when I dealt with that point a moment ago. I have attempted to give a definition of the word "active." The word "active" is opposed to "dormant." The word "active" might mean quick physical power. The squirrel is active. He jumps from bough to bough. The squirrel is active—is alert—as opposed to sleep, dormant, and quiescent.

I say that the use of the word "active" alone in the bill is not sufficient and might lead to confusion. But when we say "engaged in pernicious political activity," the Senator from Illinois, who is one of the learned lawyers in this body, if he were on the bench, would not have great difficulty, if the evidence were before him, in determining whether or not a particular action were one of pernicious activity or simply activity. To post a letter is activity; it might not be pernicious activity.

Mr. LUCAS. Mr. President, does not the Senator believe that the Senate of the United States ought to place some standard or safeguard around that language by defining the term "pernicious political activity," rather than to say that we do not understand what is meant by "pernicious political activity," but we are willing to let the Civil Service Commission say to every community in the United States what is pernicious political activity?

Mr. ASHURST. Mr. President, I had no idea of getting into this debate, but I love the sound of my own voice so well that I am emboldened to go on. Let me say to the able Senator from Illinois, whose learning is too profound, who is too astute a lawyer, too experienced to fail to know that we cannot define fraud; we cannot define fraud because she assumes—or perhaps I should use the masculine——

Mr. TYDINGS. She is the mistress of too many situations.

Mr. ASHURST. As the Senator from Maryland says, she is the mistress of too many situations. Fraud appears in so many guises and disguises; it appears in so many multifarious forms—it has the heads of Cerberus and the eyes of Argus—that long ago in our jurisprudence and in English and American law we gave up any attempt to define fraud.

If the able Senator from Illinois were on the bench he would be able to say that one act was pernicious activity, but another was not. But when we attempt to define pernicious activity in a penal statute—and under the rule "the expression of one is the exclusion of the other"—we would have thousands of instances that might be pernicious but would not come within the purview of the law.

For that reason I doubt the wisdom of attempting to give an all-embracing definition of pernicious activity.

Mr. LUCAS. Mr. President, in view of the fact that we have discussed the question of whether we should define "pernicious political activity," I call attention to the language of section 15, as follows:

SEC. 15. The United States Civil Service Commission is hereby authorized and directed to promulgate, as soon as practicable, rules or regulations defining, for the purposes of this act, the term "active part in political management or in political campaigns."

In view of what the Senator has just said about the word "pernicious," and that we are unable to define it—if we cannot define "pernicious political activity," I ask the able Senator, how can the Civil Service Commission or a United States Senator define it as related to political campaigns? Is it not as difficult for one as for the other to attempt to make a definition?

Mr. ASHURST. The Senator's frankness compels me to answer in the affirmative; yes.

Mr. LUCAS. That is exactly the point I am going to raise in a few moments on a motion to recommit the bill.

Mr. ASHURST. I am bound to say, although I shall probably vote against the motion to recommit, that in frankness and candor I do see some force in the Senator's observation.

Mr. LUCAS. I thank the Senator for agreeing with me, because it is worth while to find that the Senator finds some force in any argument I put forth.

Mr. ASHURST. Mr. President, I have never heard the able Senator from Illinois [Mr. LUCAS] make other than a strong argument. In fact, he never arises unless he has something of force to say.

Mr. SCHWARTZ. Mr. President, will the Senator yield?

Mr. ASHURST. I will yield to the able Senator from Wyoming. I wish to read an article from the Washington Star, and then I am through.

Mr. SCHWARTZ. I merely wanted to refer for a moment to the word "perniciously"——

Mr. ASHURST. Perniciously active.

Mr. SCHWARTZ. The present Hatch Act and various other Federal statutes declare certain actions in reference to elections to be unlawful.

Mr. ASHURST. Yes.

Mr. SCHWARTZ. And if this measure is passed, it will also declare certain acts to be unlawful. Why would it not simplify the amendment if, instead of saying "perniciously active", we say "unlawfully active"?

Mr. ASHURST. With due deference to the able Senator's remark, I believe that it would be better for this particular bill to use the phrase "perniciously active" than "unlawfully active", because there are acts that are pernicious which might not be unlawful.

Now, Mr. President, I wish to read an article headed "Hoover and Politicians."

This is from the Washington Star of 2 or 3 days ago, and was written by Mr. Frederic William Wile:

Undoubtedly J. Edgar Hoover's consistent refusal to permit political interference in the Federal Bureau of Investigation has something to do with the current drive to investigate him and his efficient outfit. Senator ASHURST (Democrat), of Arizona, chairman of the all-powerful Senate Judiciary Committee, can bear witness about F. B. I.'s—

That is the Federal Bureau of Investigation—

politics ban. Senator ASHURST once sought to have a young constituent appointed a G-man. The candidate took the required examination and failed to make the grade. He was flunked a second time. Then the Senator went to bat for him, only to be told by Mr Hoover there was positively nothing doing as long as the aspiring Arizonan—

That is the applicant [laughter]—

couldn't rise to required F. B. I. standards. Mr. ASHURST heads the Senate committee which, in a way, holds Mr. Hoover's fortunes in the palm of its hand.

Mr. President, while that is a correct article, the Senate Committee on the Judiciary does not hold Mr. J. Edgar Hoover's fortunes in its hands, nor does it hold any other person's fortunes in its hands. The F. B. I., under Mr. Hoover's supervision, is an almost nearly perfect example of an agency of the Government indulging in no activity of any sort in politics. There is always an irritation against the reformer. If he would reform himself and all things that come within the periphery of his influence, he would do a great work.

Reform is like a boil. A reform is for "the other fellow" and not for me. Learned physicians many years ago held an argument—one of them delivered an exegesis upon the question of where a boil should appear on the human body, but it was finally conclusively demonstrated that the proper place for a boil to appear on the human body is on the back of the neck of "the other fellow." [Laughter.]

So, Mr. President, I am not making any apology for reform. Progress and reform must keep pace with the dramatic march of events in the United States. I am proud that the able Senator from New Mexico has not been driven from his post by the words we have all uttered—and I have uttered some of them about reformers. There has been much good work done by the reformers which has been nullified in some instances, probably by the courts, in some instances by public opinion, because, Mr. President, in some cases we go too far and attempt too much at one time.

I have not said that the Hatch bill goes too far. I say, though, in amendments which would exempt Cabinet members and persons aspiring to be ambassadors or other public ministers we must not make any distinction. We must not go faster than society can go; we cannot pass a law, Mr. President, of any force and effect that goes further or faster than the most witless man in the country can go. That is a remarkable statement. We cannot successfully impose a law upon a great Nation which law is in advance of the most witless man in your country.

Mr. President, I have no desire to compare people to cattle, but my life on the ranches in early years in Arizona taught me a vast deal which has been helpful to me, even in such an august place as the Senate. You remember, Mr. President, the cowboy song Get Along, Little Dogies. What a wealth of common sense and philosophy is contained in that song. You never heard the cowboys sing "Get along, you longhorns," or "Get along, you stout and fat ones." The cowboy knew that the longhorns and the stout, fat ones would reach grass and water without any trouble, but he knew that his herd could progress and proceed only as fast as the slowest, weakest members of his herd could go and the dogies were the poor and the weak and the slow.

His day's advance with his herd of cattle was measured by the distance his slowest and weakest ones could go. So it is with reforms, Mr. President. Unfortunate and discouraging as it may seem at times, you must not get too far in advance of the main herd. You should go only as fast as the slowest of the herd can go. When we advance and say that we are going to make a young man or young woman ineligible for a certain political office, but do not impose that restriction upon him when he applies for a Cabinet position, we are going faster than the herd is going, and we shall not get there with the herd. We shall not accomplish much.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. MINTON. The Senator has referred to the cattle country jargon about the dogies. The Senator from New Mexico [Mr. HATCH] comes from that section.

Mr. HATCH. Mr. President, a very interesting conversation is going on, but I cannot hear it.

Mr. MINTON. Does not the Senator feel that this legislation is directed altogether at the dogies, and that we have not the big fat cattle in with them at all? Some of us have been trying for a week or 10 days to get the big fat cattle in. So far as we can make out, the bill is directed only at the dogies.

Mr. ASHURST. Mr. President, I voted for the amendment of the Senator from Alabama [Mr. BANKHEAD] limiting campaign contributions to a thousand dollars. I voted for the amendment limiting contributions to $5,000. I think the bill

has thereby been improved. I think if we adopt my amendment to the amendment of the able Senator from Utah, the bill will be further improved.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. ASHURST. I yield.

Mr. BARKLEY. The Senator always embellishes whatever he discusses, and enlightens his audience. I have been especially interested in his theory of the speed of the cattle. Under his theory he assumes, of course, that the dogie is willing to move; that he goes forward, at whatever speed he can.

Mr. ASHURST. Yes; he is a part of the herd.

Mr. BARKLEY. But he does not turn around and run the other direction? [Laughter.]

Mr. MINTON. Who is the dogie?

Mr. ASHURST. If the Senator were driving a herd and were as alert with the lariat as he is with words, he would catch all the dogies that went the other way.

Mr. THOMAS of Utah. Mr. President, I had no idea that my simple amendment would turn Senators to ancient history, philosophy, and the proverbs, and to experiences on the cattle range. However, I shall keep in harmony with the atmosphere which has been created for us and merely call attention to the fact that in writing the amendment we attempted to go along with the herd. That is, we had before us an actual act. In that act were actual words. I realize that judges of the various courts interpret those words in different ways. Therefore, in writing the amendment we were careful to use only words which had been given a definite meaning by practice, regulation, and decision. Therefore, I did not object in the least to the Senator's amendment putting in the word "perniciously," because the word "pernicious" is part of the title of the act itself and is used in the act to define the kind of political activity which is supposed to be prevented. However, when we come down to the body of the act, the act gets away from the use of these various adjectives, and, with the heading "pernicious" understood in section 4, for example, the words "or any political activity" are left there, realizing that the definition for that sort of activity has already been made. Therefore I accepted the first amendment of the Senator from Arizona. I was glad to accept it. If the Senator from Arizona realizes and understands that the amendment is intended to be in harmony with the act itself, that Cabinet officers and the President are already exempted from the provisions of the act, and that therefore the amendment should exempt prospective Cabinet officers and prospective Presidents; and if the Senator realizes that that was the only purpose for the insertion of subsection (b), I have not the least objection to accepting his second suggestion, and will modify my amendment by eliminating subsection (b).

Mr. ASHURST. Mr. President, that relieves me of the necessity for further argument. I know the able Senator from Utah is acting in good faith. He does not need any words from me or from any source to be assured that his motive and object are to strengthen the Hatch Act. I know that. We all know it; so it seems unnecessary to comment.

Mr. President, may we have read the amendment in its present form, so that we may know how it reads at this time?

The PRESIDING OFFICER. The amendment of the Senator from Utah, as modified, will be stated.

The CHIEF CLERK. On page 7, after line 18, it is proposed to insert the following:

SEC. —. (a) Hereafter no person shall be appointed to any position or employed in the executive branch of the Federal Government, or in any agency or department thereof, if, during the 2-year period immediately preceding such appointment or employment, such person has taken a perniciously active part in political management or in a political campaign for the purpose of affecting the election or the nomination of any candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, or Delegate or Resident Commissioner from any Territory or insular possession.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. THOMAS], as modified.

Mr. SCHWELLENBACH. Mr. President, I wish to make a very brief observation about the amendment offered by the Senator from Utah [Mr. THOMAS]. It seems to me that the amendment of the Senator from Utah, as modified by the suggestions of the Senator from Arizona [Mr. ASHURST], brings us up against the question of the whole philosophy of the Hatch Act.

The philosophy of the present Hatch Act is that it is wrong for political employees to participate in politics because of the fact that their participation would not be because they believed in the political candidate whom they were supporting, but because they feared that if they did not participate they might lose their jobs. If that is a logical position, then it seems to me to be equally logical that we must accept the amendment of the Senator from Utah, because if it is wrong to participate because one is afraid of losing his job, it is equally wrong to participate because of the hope of obtaining a job. The Senator from Arizona wants to make a different rule, and the Senator from Utah has accepted the amendment, for those who are participating because of a hope, than for those who are participating because of a fear. Those who participate because of a fear cannot participate at all, but those who participate because of a hope will have to participate perniciously; they must do something malignant. It seems to me that it is clearly illogical to attach to the amendment of the Senator from Utah the amendment of the Senator from Arizona, because if the fundamental philosophy of the Hatch Act is correct that people should participate in political campaigns and elections only when they believe in a cause and in the virtue of the candidate for whom they are working, then it is as wrong to participate merely because one hopes to get a job as it is to participate just because he is afraid he will lose a job he already has.

Mr. HILL. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. HILL. What the Senator is stating is that if the amendment of the Senator from Utah should be adopted, as amended by the Senator from Arizona, the amendment of the Senator from Arizona would make the Hatch Act inconsistent in its different parts. Is that correct?

Mr. ASHURST. Mr. President, if the Senator from Washington will yield to me for a moment, I thought I said that I regarded consistency as "public enemy No. 1." The able Senator from Utah pointed that out, but that, of course, did not frighten me from my position. The fact that one provision might be inconsistent with another would not have any weight in considering the matter. [Laughter.]

Mr. HILL. Mr. President, will the Senator from Washington yield to me further?

Mr. SCHWELLENBACH. I yield.

Mr. HILL. Knowing the Senator's eloquent defense at all times of inconsistency, I was sure the Senator, as the great apostle of inconsistency, would take the position he has taken, the difference being that the great and distinguished Senator from Arizona is always eminently frank in his inconsistency, whereas must of us rather—what shall I say?—sidestep, dodge, or fail "to come up to scratch," and plead guilty to the charge.

Mr. ASHURST. Mr. President, if the able Senator from Washington will pardon me, let me say that I have been the subject of considerable raillery and good-natured fun for a long time regarding my attitude on the question of consistency. I am willing that others should have fun even at my expense; but let me say that most of the truly great leaders of the United States have been inconsistent. One of the most inconsistent of our Presidents was Theodore Roosevelt, and he was successful because of his inconsistency. President Franklin Roosevelt has been inconsistent; President Woodrow Wilson was inconsistent. I would not care to serve here if an iron bed, a procrustean bed of fixity and consistency was laid out for me to which I would have to conform at all times, and if, forsooth, I was too short for the bed I must be stretched and drawn out to the required

length; and too long for it, that my head or my feet would have to be lopped off to fit such iron bed.

Mr. President, I suppose every man who comes to the Senate, in his heart, resolves to follow the bright light of consistency. It is a noble dream; but whoever comes to the Senate, and does that, will serve one term only and render no service, because the currents of public opinion, the currents of duty change and conflict, and the varying phases in which public issues confront him make it utterly fantastical for any man to lay down a rule of consistency by which he will be guided. Of course, I mean a political rule. It goes without saying that every man should provide for himself a decent, fair rule of conduct, and when I refer to inconsistency I do not mean that anyone should be dishonest or insincere in his advocacy of measures or his opposition to them.

Mr. President, in a very few days there may be a resolution before the Senate regarding a Presidential third term. As I recall, all of us on the Democratic side were opposed to a Presidential third term in 1927 and 1928. Of course, we may all be inconsistent when that resolution comes before the Senate, if it shall come before the Senate again, and may not be for it. Even if I was for it on a previous occasion, it would not trouble me. I might make no change in my previous attitude or I might do the rare thing of remaining consistent about it or I might be inconsistent. At least I am free to do just as I choose and to do it without embarrassment.

Mr. President, too long have epithets, too long have phrases in American public life guided, controlled, influenced, and frightened men. One of the reasons the Senate is a great body is that one cannot frighten the Senate by an epithet, one cannot frighten the Senate by a motto, one cannot frighten the Senate by a phrase. Many men of eminence and worth in the United States have been torn down by phrases and many an unworthy man has been elevated to great place by phrases. Logic, worth, character, intellect, courage, patriotism, honesty, devotion to public service—not epithets or phrases—should influence public affairs. What makes the Senate a body to which any citizen may aspire and be proud of the opportunity of serving is that we do what we think is right, and we do it whether or not others think it inconsistent. As the late beloved Senator Borah said, during his long service in the Senate he never worried himself about consistency. Consistency is a nice word. It rolls in the mouth like a lollypop. I ask Senators to look at their records and see if they have been consistent. If they have been consistent they have been extremely inactive, and have not rendered full duty to their States, for a problem comes up today in one phase and the same problem comes up tomorrow in another phase. I hope the time will come when men will not be abashed to be called inconsistent.

Mr. President, I came to the Senate a rip-snorting low-tariff man. For 18 years over the country I split the ears of groundlings and fulminated the sky and earth with arguments for a low tariff. But, 20 years ago, having "seen the light"—having toured Europe and other parts of the world and given the matter deep thought, I became a high-protective-tariff advocate. I am for a high tariff, and, in my judgment, the ills, woes, troubles, trials, and tribulations in this country would soon disappear if we had a high protective tariff. I think the Republicans have been recreant to their trust——

Mr. SMITH. Mr. President——

Mr. ASHURST. I will yield in a moment. They have been recreant to their own principles in failing on every proper occasion to urge a high, protective tariff on imports that come into the United States. Now I yield to the Senator from South Carolina.

Mr. SMITH. Does the Senator not consider the Smoot-Hawley bill a high-tariff measure?

Mr. ASHURST. I voted against it because the rates were too low. I stood on this floor for 8 hours trying to raise the rate on manganese and various other items, and every Democrat but two voted with me to raise the tariff rate on manganese. It is very nice to say we wish our children to go to day school and Sunday school and church and dress well and to wish that the laboring man shall have grapefruit and avocados at breafast and some of the good things of life, but we cannot have those things in America unless we have a protective tariff, because with our high standards of living we cannot compete with the outside world; and Senators know it. Prosperity will come again to the United States when we have a protective tariff, and when we take from Fort Knox about $10,000,000,000 of the gold now buried in the earth there and coin it into double eagles for circulation among the people.

I see before me at least one Member of the Senate who may be nominated for President of the United States.

Mr. SCHWELLENBACH. Mr. President, I think I have the floor; and if the Senator from Arizona is going to limit it to one, I am not going to yield further.

Mr. ASHURST. Well, the Senator from Ohio is not now present. I wish to say to the able Senator from Michigan that if he becomes President, and if he sends to the Congress a message urging a high tariff, I will vote for it. If he sends a request or a message for a bill to coin about $10,000,000,000 of the gold now buried in the earth at Fort Knox into double eagles for circulation among the people and the payment of the debt of the United States, I will vote for such a bill. If he does this he will thereby demonstrate that he is worthy to be President. He has already demonstrated that he is worthy to be considered for the Presidency. [Laughter.] I am not committing myself to him, because I am for the Democratic nominee, whoever he may be. [Laughter.]

Mr. VANDENBERG. Mr. President, will the Senator yield?

Mr. ASHURST. I have not the floor. I am trespassing on the time of the Senator from Washington.

Mr. VANDENBERG. May I ask the Senator from Arizona a question in the time of the Senator from Washington?

Mr. SCHWELLENBACH. I yield to the Senator from Michigan. If I may make an observation before I yield, I am very delighted to yield to somebody on the other side. This is the first time a Republican has opened his mouth since this debate started. [Laughter.]

Mr. VANDENBERG. This is the first time there has been any justification for it. [Laughter.]

I simply want to thank my distinguished friend from Arizona for his observations, and particularly for his sound economic views; and I want to add that, as I understand his discussion of consistency, he takes the position that while consistency is a jewel, too much jewelry is vulgar. [Laughter.]

Mr. ASHURST. Right, Mr. President. With all my supposed familiarity with the English language, I could not have said that. [Laughter.]

Mr. President, one other word—and it is for Democrats. You are going out pretty soon into a campaign. You have had possession of the Federal Government for 7 years, and not a single Democrat has presumed to introduce a bill to repeal the Smoot-Hawley Tariff Act. How are you going to make votes by denouncing high tariffs when after 7 years, with a majority in each House, you have not made even a gesture looking toward repealing the Smoot-Hawley Tariff Act, because if you did so you would get a reaction that would cause the Republicans to carry every doubtful precinct in the United States?

Mr. GLASS. Mr. President, have we not done that in an unconstitutional way when we have adopted these foreign-trade treaties?

Mr. ASHURST. My answer is yes. The Senator refers to the trade treaties?

Mr. GLASS. Yes.

Mr. ASHURST. I want to talk about that subject for a moment. [Laughter.]

Mr. President, I think of all the men in America—next to the President and the Vice President of the United States—who have favorably impressed not only their own country but

the world as men of a high type of ability, patriotism, and judgment, Secretary Hull's name comes to mind. I have for him an affection that is fraternal. It partakes of the affection I have for a brother. I regard him as one of the most high-minded, learned men who ever held the office of Secretary of State; and it is no small matter for me to disagree with the able Secretary of State respecting his trade agreements. I do not lightly disagree with his policy on that subject, because he profoundly believes in it, as he believes in everything he advocates; and it is a personal affliction to me to be required to announce that I cannot support treaties or trade agreements made upon the ipsi dixit of one man. Treaties and trade agreements should be ratified by the United States Senate, as the Constitution provides.

My constituents have asked me the question as to what will be my attitude on these trade-agreement treaties, and I have thus spared myself the necessity of writing several thousand letters by announcing here my attitude on that subject.

Mr. HILL. Mr. President——

Mr. SCHWELLENBACH. I yield to the Senator from Alabama.

Mr. HILL. Perhaps I should apologize to the Senator from Washington for inviting this enlightening and eloquent, though somewhat extended, interruption of his speech. As I heard the tribute to inconsistency from the distinguished Senator from Arizona, I could not fail to remember the observation of Abraham Lincoln that it was an awfully dumb man who did not have more sense today than he had yesterday.

Mr. ASHURST. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Arizona.

Mr. ASHURST. Will the Senator allow me to thank the scholarly and able Senator from Alabama for that reference? I needed something like that in my own repertory. [Laughter.] I will add that to my repertory when I am advocating inconsistency.

Mr. SCHWELLENBACH. Mr. President, I did not anticipate starting this particular discussion, although in reference to it I should like to say that I think we have made great progress in inconsistency, even for the Senator from Arizona. He has repeatedly boasted that he did not believe in consistency; that it was all right for him one day to repudiate what he did the day before, or at 4 o'clock to repudiate what he did at 3 o'clock. So far as I know, however, this is the first time he has advocated being inconsistent with himself at the same time, and putting into a bill an amendment which is totally inconsistent with the bill itself. [Laughter.]

I really rose for the purpose of trying to get into an argument with the Senator from New Mexico upon what seems to me to be a fundamental question which is raised by the amendment of the Senator from Utah [Mr. THOMAS], and that is, what difference is there between its being wrong for one to participate in political activity because of fear of losing the job he already has, and its being wrong for one to participate in political activity because of the hope of a job he expects to get? If the whole Hatch bill is right, why is not the Thomas amendment to it right?

Mr. HATCH. Mr. President, I do not desire to engage in an argument with the Senator from Washington or any other Senator just now. I am quite anxious to vote. There is, however, a vast difference in the two situations. One man is not on the public pay roll. Another is drawing a salary paid from public funds, and devoting his time—as too often is the case, all of his time that he should be devoting to official duties—to the active work of politics.

Mr. SCHWELLENBACH. Mr. President, will the Senator let me ask him another question there?

Mr. HATCH. No; I am not going to get into any discussion with the Senator. I want to avoid all the discussion I possibly can, in the hope that we may vote on this amendment, and the next amendment, and the next amendment, and the next one, whatever number may be offered, and finally, today or tomorrow at some time, vote on the bill itself. That is my only desire at the moment.

Mr. ADAMS. Mr. President——

Mr. SCHWELLENBACH. I yield to the Senator from Colorado.

Mr. ADAMS. I merely want to point out what seems to me a bit too-inclusive definition on the part of the Senator from Washington in assuming that every man who before an election seeks to carry forward certain principles is necessarily hopeful of securing an office. The Senator knows that that is not true. The vast majority of men who take an active part in politics do so because of what they regard as the welfare of their country, frequently because of affection for a man whose candidacy they approve, and not in the hope of getting an office. So when the Senator simply makes two groups—those who have offices and those who hope for offices—I think his definition is too inclusive.

Mr. SCHWELLENBACH. Mr. President, I do not make that classification at all. There is nothing in the Thomas amendment which would stop a man who wanted to work for the Senator from Colorado for reelection because he believed in the Senator from Colorado from working for him; but, under the Thomas amendment, if the reason why a man wanted to work for the Senator from Colorado was that he thought the Senator might be able to get him a job, then he would be stopped from working for the Senator from Colorado, because he would know that he could not get a job within 2 years.

I do not classify everybody who has not been appointed to a job as working in politics for the purpose of getting a job. Certainly a goodly percentage, and, I hope, the great majority of them, do not have such a motive. Therefore the observation of the Senator from Colorado does not meet the argument I have made.

I desire, however, to revert to the answer of the Senator from New Mexico. If the Senator from New Mexico is correct in his answer to me, then his bill should provide that between 8 o'clock in the morning and 5 o'clock in the afternoon those holding political office should not take part in political activities. The prohibition should not extend on into the night and during the hours during which the man is not paid by the Government.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield to the Senator from Indiana.

Mr. MINTON. I am glad the Senator from Washington has directed attention to that thought, because it is constantly stated by the Senator from New Mexico and his chief supporting newspaper, the Washington News, that this bill is directed at those persons only while they are working at their political jobs. Nowhere is the bill directed at them while they are working on the job.

The News starts out an editorial of March 9 as follows:

THE SENATE AMOK

The greatest deliberative body on earth has blown its top. And all over a legislative issue of whether public servants should devote their full time to public service or be at the call of party bosses.

That is not the issue. That is not the issue presented by the Hatch bill at all, and certainly the brilliant editorial writer of the Washington News knew that it was not; for this bill not only condemns a fellow who plays politics while he is on the job but it will not even let him use his own time when he is off the job, when the day's work is done, and he is around the fireside with his wife and children, and the neighbors come in to sit down with him. He would not dare, in his own home, with his neighbors gathered around his fireside, to talk to his neighbors in the interest of the man who put him in his job, or the party that gave him his job. If he did, he would be engaged in political activity.

Mr. HATCH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Mexico?

Mr. SCHWELLENBACH. Yes; I yield.

Mr. HATCH. I do not want to say to the Senator from Indiana what it is in my mind to say, but I do want to say that the statement he has just made has been repeatedly denied not only by myself but by all the decisions which have

been rendered in interpretation of this or similar measures. The act he so eloquently describes does not constitute political activity.

Mr. MINTON. Just what is the Senator talking about?

Mr. HATCH. The man discussing matters at home.

Mr. MINTON. Why, of course, that is denounced by this bill.

Mr. HATCH. Of course, it is not.

Mr. MINTON. If a man gathers around his fireside with his wife and children, and neighbors come in, and they become involved in a political argument, of course, he is bound to walk away from them. This is what the Civil Service Commission itself says about that. The Senator is going to apply the civil-service regulations to these persons under the bill. The Civil Service Commission, interpreting political activity, says:

> An employee may participate in discussion where no political issue is involved or make an address on any moral or ethical subject.

They can sit around and talk about the Bible, they can sit around and talk about the coming of the Judgment Day, they can talk about prohibition, perhaps, or topics of that kind; but do not let them get into a political argument, because the Civil Service Commission, which is going to interpret and apply the proposed law, has said that "when two or more parties or factions become engaged in a contest for rival or antagonistic measures or policies of governmental control or regulation a political issue is created." Whenever that situation is found, and people begin arguing about politics, one having a job on the Federal pay roll must "clear out." The Senator from New Mexico wants to put those on the State pay roll in the same muzzled class. I say that the Senator from New Mexico has stated repeatedly, as he stated a moment ago, and as his chief supporting newspaper, the News, has said, that this bill is directed at employees while they are on the job, so as to keep people who have political jobs on the job, doing their duty all the time. That is not what the bill is for. If the Senator will limit it to that I will support it. If he will include a provision making it apply from 8 o'clock in the morning until quitting time in the evening, I will support it. But the Senator from New Mexico will not do that. He wants to provide for the period after a man goes home from his work in the evening, and prescribe that at that time also he must cut out any political activity. I repeat, a man cannot in his own home, with his neighbors gathered around him, engage in a political discussion without violating the Hatch Act.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. LUCAS. Certainly, regardless of what the civil-service rules are, if this bill is passed as it is now written, under section 15 of the act the Civil Service Commission will have a right to define as political activity what the Senator is now discussing. Certainly there is no restraint, under the bill, as to what the Civil Service Commission may say is or is not political activity, notwithstanding they may have certain rules and regulations at present governing the matter; but now they are to widen out all over the United States of America in a new field, and in a strange field for them, if I may say so, and there is nothing in the bill, any section of it, especially section 15, which I have been discussing throughout the debate from the time it started until now, which denies the Civil Service Commission full power and authority to say what is and what is not political activity. Certainly, if, as the Senator from Indiana says, an individual were sitting by his own fireside discussing something with his neighbors, and a political question arose, for instance, as to whether or not John Jones should or should not be elected, if the individual who fell into the designated class were in his own home and took part in the discussion, I submit that the Civil Service Commission would have a right to say, under the rules and regulations, that that was political activity.

Mr. MINTON. The observations of the Senator from Illinois are, in my judgment, absolutely correct; the Civil Service Commission could make a definition which would include what I have described, a little friendly gathering, as a political activity condemned under the proposed act.

Mr. HILL. Mr. President, will the Senator yield?

Mr. MINTON. I yield.

Mr. HILL. What difference could there be in principle, in effect, in practice, between a man in his own house, say, at a meeting with his own neighbors, perhaps a meeting of a little neighborhood P. T. A., talking about the election of a school-board member, perhaps the adoption of a school tax, or something of that kind, and his doing the same talking in the school house, perhaps on the corner? There could be no difference, could there?

Mr. MINTON. There could not be any, and if such a provision were enforced, it would have to be enforced in one instance as in another.

Mr. HILL. When we boil it down, the whole measure does not go to the practices or the activities which every Member of the Senate and everyone in the country wants to end. It applies to the individual. It is too much like a doctor killing the patient merely to get rid of the disease.

Mr. MINTON. Yes; or like burning down the barn to get rid of the rats.

Mr. HILL. That is correct.

Mr. MINTON. All the time we hear talk about keeping the Federal money which we are appropriating for a Federal purpose from going into the pockets of people to be used for political purposes. If the Senator from New Mexico will draw his bill on that principle, I will support it. But what business has the Federal Government, merely because it pays a man's salary, to say to that man, "You shall not do thus and so after you are off the job"?

Let me say to the Senator from New Mexico that if he will write a bill which will attempt to prevent the playing of politics by the employee while he is on the job—and his work is what the man is being paid for, and that is why the Federal Government takes the money out of its coffers for a man's service, we will say, from 8 o'clock in the morning till 5 o'clock in the afternoon—if the Senator from New Mexico, with the aid of the Washington News, will write a measure which will say to the workers, "You shall take no part in politics from the time you go to work in the morning until your day's work is done, for which time you are paid by the State or Federal Government," I will join him in trying to have a bill of that kind passed, because I think the Federal Government and State governments are entitled to a good day's work for a good day's pay. But the Senator from New Mexico would provide, under the guise, mind you, of controlling Federal money, of seeing that the man who gets Federal money uses that money for a Federal purpose, that the Federal Government may come in and say, "No; we not only claim the right to tell you what you shall do during 8 or 9 hours a day when you work, and for which we pay you, but we claim the right to say that when you go home at night, and are on your own time, you shall not take part in any political activity whatsoever, no matter how vital you may think it may be to you, your home, or your community."

Mr. President, that is what we are objecting to. All this talk about trying to control Federal funds is beside the mark, I submit, because the proponents of the legislation do not stop there. They do not attempt to limit the application of the law to the expenditure of Federal funds; they do not attempt to limit it to the expenditure of State funds; but they try to follow the fellow long after the Government's money has quit jingling in his pocket for his day's work. They want to control his action and his activity when he gets home at night and when he is not out on the job.

The Senator from Illinois, who has manifested a keen and penetrating interest in some of the shortcomings of the pending bill, has pointed out what I think is a fatal defect in the bill, what I think is an unconstitutional provision in the bill, the provision which would permit the Civil Service Commission to write the penalties, to define the offenses under the bill, and not to fill in the details, as Chief Justice Marshall

said in a case may be done by an administrative body. They would not attempt to fill in the details; they would put in the whole thing under the delegated power we would give them here. I say that cannot be done under the Constitution, and I understand that is what the Senator from Illinois says cannot be done.

Let me point out to the Senator from Illinois that the Civil Service Commission itself has admitted that it cannot define "political activity." I will read to the Senator from Illinois, who was not in the Chamber yesterday, what I read into the RECORD from a publication of the Civil Service Commission itself. I read for the benefit of the Senator from Illinois from a publication issued by the United States Civil Service Commission entitled "Political Activities and Political Assessments of Federal Officeholders and Employees." Paragraph 2, on page 2, starts out with this statement:

> It is impossible to give a complete list of the particular activities in which an employee may not engage.

That is from the Civil Service Commission, which is to be charged not with filling in the details but defining the offense. It says itself that it cannot define it. I submit that we certainly should not delegate to them something which they admit they cannot do, and that is what the proposed act is attempting to do.

Mr. President, I want the Senate to keep before it at all times when the Senator from New Mexico is talking about controlling Federal funds and State funds in order to see that the Government gets its money's worth, that that is not what the bill is trying to accomplish at all. If it were, I would join the Senator, and everyone on this side who has been with me in this fight, I think, would do likewise; we would want to control the expenditure of money only while the fellow was on the job. No one would object to that. But unfortunately the bill goes much further, and it is to the part of it which goes further that we are strenuously objecting, because we think it unnecessarily sacrifices the American right of every free citizen of this country to be for whatever he wants to support, in his own time, when he does it voluntarily, and the mere fact that he holds a State or Federal job should not disqualify him from exercising that American right.

Mr. LEE and Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. LEE. Mr. President, Congress has approved a number of reservoirs to be constructed in Oklahoma, but the only two dams which offer any immediate probability of generating electricity——

Mr. HATCH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from New Mexico?

Mr. HATCH. I sought the floor in my own right, and I thought I was recognized, and I desire to address the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma was first on the floor, and made a request that he be recognized to speak next. Does the Senator from Oklahoma yield?

Mr. HATCH. I do not want the Senator to yield. In view of the remarks made by the Senator from Indiana, I thought it was appropriate that the Senator from New Mexico should be recognized.

Mr. BARKLEY. Mr. President, will the Senator from Oklahoma yield?

Mr. LEE. I yield.

Mr. BARKLEY. I should like to ascertain whether we can get a vote on the pending amendment right away and to offer a suggestion to limit debate on the pending amendment to 15 minutes. Would that interfere with the Senator from Oklahoma?

Mr. LEE. Mr. President, I desire to speak for only 15 minutes. I do not wish to delay the vote on the amendment, but, Mr. President, the troops are marching in Oklahoma.

Mr. BARKLEY. I realize that. If the suggestion I made would interfere with the Senator, I shall not make the request while he is on his feet, but it seems to me we ought to reach a vote on the pending amendment.

Mr. LEE. I hope we can do so. However, the Grand River Dam might be shut down for a week in Oklahoma before we could dispose of the pending bill, and I wish to speak to that subject at this time.

Mr. BARKLEY. Very well.

GRAND RIVER DAM, OKLA., AND RED RIVER DAM, TEX.

Mr. LEE. Mr. President, Congress has approved a number of reservoirs to be constructed in Oklahoma, but the only two dams which offer any immediate probability of generating electricity are the only ones which have been opposed by the Governor of Oklahoma.

One of these is the Denison-Durant Dam, being constructed on Red River between Denison, Tex., and Durant, Okla. On March 11, 1940, there appeared a United Press article in the Washington Post which said in part:

> Gov. Leon Phillips today made public a letter to Secretary of War Woodring demanding the Government halt work on the $54,000,000 Red River Dam or proceed "at your peril."

Mr. President, I ask unanimous consent to have this article printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit A.)

Mr. LEE. Then, Mr. President, there is another dam being constructed in northeastern Oklahoma, known as the Grand River Dam. This dam, like the one which is being constructed on Red River near Denison, Tex., would also generate electricity. On March 11 there appeared in the Oklahoma City Times the following headlines:

> Phillips talks dynamite use to halt dam.

In this article the Governor is quoted as not being adverse to "blasting" the Grand River Dam.

Mr. President, I ask unanimous consent to have this article printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit B.)

Mr. LEE. Then again on March 13, there appeared an article in the Washington Daily News under the headlines:

> Oklahoma readies troops in dam row.

On the same day there was a headline in the Washington Post which read as follows:

> Militia to halt completion of United States dam.

Mr. NORRIS. Mr. President, will the Senator yield?

Mr. LEE. I yield.

Mr. NORRIS. I was wondering what was meant by the rather emphatic language used in the first of the last two headlines referred to by the Senator. What kind of a row was that?

Mr. LEE. I am reading only the headline. The Senator can put the emphasis wherever he chooses on the last word in the headline.

Mr. President, I ask unanimous consent that these two articles be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits C and D.)

Mr. LEE. Mr. President, bear in mind that Congress has authorized several dams to be constructed in Oklahoma, but only these two dams have been singled out for military opposition by Governor Phillips, and bear in mind further that these are the only two dams which offer any immediate probability of generating electricity.

Mr. President, I regret very much that our Governor has seen fit to take this action, because it results only in a loss to the people of Oklahoma. I ask the question: Who loses by this action? The people, of course; that is, the farmers, home owners, and industries of Oklahoma. I ask the further question: Who gains by wrecking these two power dams? The utilities gain. How much do they gain? Well, according to the comparison between the T. V. A. rates and Oklahoma rates as made by the Federal Power Commission, the people of Oklahoma in 1937 paid $11,770,600

more for electricity than they would have paid for the same electricity under the T. V. A. rates.

Mr. President, the odd thing about the Grand River Dam controversy is that an Oklahoma Governor has called out Oklahoma troops to stop work on an Oklahoma project. The Grand River Dam is being built under authority of the Oklahoma State Legislature. That legislature established a Grand River Dam Authority and the dam is entirely an Oklahoma project.

The Federal Government has made loans to the Authority, and has made a grant of almost $9,000,000. Even though the Federal Government has loaned the Authority money, and has made a grant of nearly $9,000,000, Governor Phillips is now contending that the Federal Government should pay the State $850,000 to pay for highways inundated by this reservoir, in spite of the fact that the former highway commission made an agreement with the Grand River Dam Authority that if the Federal Government would construct a bridge across a certain stream the highway department would build the approaches to the bridge.

Mr. Clark Foreman, of the P. W. A., informs me that, although it was exceptional, yet the P. W. A. agreed to have the bridge constructed across this stream.

Governor Phillips now takes the position that he is not bound by the agreement because it was verbal and because it was made by a previous highway commission. Therefore he is now threatening to stop construction of the project until the Federal Government pays more money for the construction of these highways.

The engineers inform me that the spring rains will begin at least by April 1, and that unless this dam is completed by then, great damage will result to the construction. Then they inform me that unless the spring rains are impounded, the dam will be useless from the standpoint of producing electricity for at least another year. I say it is regrettable that our Governor has not resorted to the courts as the State authority and Federal Government have suggested, to settle this dispute instead of resorting to military force.

I wish to make it plain that in my opinion the members of the Grand River Dam Authority have shown good faith and seem interested only in doing a good job.

Mr. President, the immediate controversy is not the first trouble which the Governor has caused for these two projects. Therefore, in order that the background of this situation might be available, I ask to have printed in the RECORD at this point as part of my remarks a United Press article under date of December 11, 1939, written by Mr. Ernest M. Hill, United Press staff correspondent, under the heading "State and Local Politics."

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

OKLAHOMA CITY.—The under-fire resignation of R. V. L. Wright as general manager of the $20,000,000 Grand River Dam project gave Gov. Leon C. Phillips another victory in his long series of brushes with the national administration.

Although Phillips was not out in front in demanding Wright's resignation from the $15,000-a-year job, the Governor was a frequent critic of Wright. The board members who asked Wright to resign were appointed by the Governor. Some observers believe that Phillips has been overly anxious to set himself up in opposition to the national administration, sometimes with too little justification.

He has been a critic of the Grand River Dam project, has attempted to stop construction of the $54,000,000 Red River Dam project, was opposed to giving the State wage-hour set-up an appropriation, was cool to creating a State low-cost housing administration to spend Federal funds, and has taken frequent cracks at United States Senator JOSH LEE and the national administration.

Secretary of the Interior Harold L. Ickes has been accredited with sponsoring Wright for the Grand River Dam job, and Federal officials sought to keep him as manager. Phillips' board, however, had the right to fire him and fought the resignation move through successfully.

Mr. LEE. Mr. President, in this fight there has been an effort to cloud the issue by making the charges of politics and patronage, but this is only a smoke screen intended to hide the real issue, which is whether or not the people shall have cheap electricity.

Mr. President, I now ask unanimous consent to have printed in the RECORD at this point, as part of my remarks, an article appearing in the Durant Daily Democrat, written by Mr. R. M. McClintock, who for 18 years was a Capitol correspondent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The article referred to is as follows:

PHILLIPS' POWER RECORD AIRED BY CAPITOL REPORTER

(By R. M. McClintock)

"I am known to be a public power man, and the utilities are strong in Oklahoma."

That explanation, given by Manager R. V. L. Wright, of the Grand River power authority, just previous to his removal by the G. R. D. A. board appointed by Governor Phillips, seems borne out in full by an examination of the fight made against the board since Phillips' election.

And the respective stake of the Oklahoma utilities, and the consumers of the State, in the control of rates, was pointed out by Senator JOSH LEE at the public hearing given in Washington to Phillips' effort to block construction of the Red River dam. Said LEE:

"These figures (electric utility rate comparisons made by the Federal Power Commission) show that the total revenue paid by the people of Oklahoma to the utilities for electricity in 1937 amounted to $25,374,800.

"The same number of kilowatt-hours figured at the Tennessee Valley Authority rates amounts to $13,604,200, and the difference between the T. V. A. cost and the present cost to the people of Oklahoma is $11,770,600. In other words, according to the T. V. A. prices of electricity, the people of Oklahoma were overcharged $11,770,600 in 1937."

CHRONOLOGY GIVEN

Incidentally, this sum is a trifle more than the total State school fund appropriation for the current year. It would be sufficient to wipe out, with some to spare, the prospective State general fund deficit.

The bare chronological record bears out the Lee intimation that Governor Phillips was determined to protect private utility rates by preventing effective public power competition.

February 6: Phillips criticizes employment by G. R. D. A. of "nonresidents." (Manager Wright came from California.)

March 29: Phillips confers with northeastern Oklahoma legislators. Promises to reappoint four of nine G. R. D. A. members. Charges old board failed to make land purchases, gave salaried jobs to several members.

April 5: House passes Phillips bill for five-man board. The five would be named by him and could be removed by the mere filing of charges. Under the original G. R. D. A. Act of 1935 the board consisted of nine men, three each appointed by the Governor, attorney general, and commissioner of labor, removable only after filing of charges and a public hearing.

May 4: Secretary Ickes says he favors further Federal aid, but under a plan similar to Bonneville system, under which consumers would be guaranteed savings in electricity costs.

May 10: Senator LEE favors $10,000,000 additional additional appropriation for Markham and Gibson Dams but says: "I shall insist that it be written into the law that the control of the sale of electricity from these projects cannot pass to the Governor of the State through his control of the members of the board by appointment. The whole purpose of constructing projects such as these is to give the people the benefit of cheap electricity, but if a Governor who is friendly to the utilities could control the sale of this electricity through his power to appoint the members of the board, then the whole purpose of such a program could be nullified."

October 11: Phillips demands G. R. D. A. pay $870,000 for highways to be inundated by the Pensacola Dam. G. R. D. A. holds amount exorbitant—later agrees to pay.

October 31: Wright negotiates with Public Service Co. for purchase of G. R. D. A. power. Denies Phillips' claim that G. R. D. A. won't produce enough power even for Tulsa. Says Tulsa peak is 37,000 kilowatts, Pensacola peak 60,000. Calls attention to third alternative for disposition of G. R. D. A. power: "Sale of part of the power to existing utilities under the agreement that the utilities pass along the benefits of cheap electricity to consumers."

November 7: Wright's resignation demanded by board.

November 9: Wright in Washington says in discussing reason for demand for resignation: "I am known to be a public power man, and the utility interests are strong in Oklahoma."

December 16: P. W. A. says manager should be one whose past record would convince the public of his qualifications and his attitude toward the use of public power for the benefit of the people of Oklahoma.

December 20: G. R. D. A. again elects McNaughton. P. W. A. says: "Any further consideration of him is, to our mind, futile, and serves only to delay final selection of a satisfactory general manager. We strongly urge the board to proceed at once to select someone qualified for the job."

Meantime, if lack of P. W. A. funds delays completion of Pensacola Dam past the spring rains, not enough water will be impounded to permit of generation of power this year, and consumers would have to wait longer for cheap power. Beneficiaries of delay would be private utilities.

EXHIBIT A

[From the Washington Post of March 11, 1940]

WORK ON DAM AT YOUR PERIL, PHILLIPS TELLS UNITED STATES

OKLAHOMA CITY, March 8.—Gov. Leon Phillips tonight made public a letter to Secretary of War Woodring demanding the Government halt work on the $54,000,000 Red River Dam or proceed at your peril.

Phillips said the State would protect its rights with all means at its command.

EXHIBIT B

[From the Oklahoma City Times of March 11, 1940]

PHILLIPS TALKS DYNAMITE USE TO HALT DAM—GRAND RIVER PROJECT THREATENED UNLESS UNITED STATES PAYS FOR ROADS

Governor Phillips declared Monday he would not be adverse to blasting Grand River Dam to prevent flooding in his fight for Federal money to replace inundated highways under the lake.

Asked to explain what he meant by closing the dam, he said, "I mean closing that hole so that we would have to dynamite it to let the water through."

PLANS TO CLOSE DAM READY

Thus, a show-down in the squabble between Phillips and the Public Works Administration over highway damages in the dam area loomed nearer.

In Vinita, W. R. Holway, chief engineer on the project, announced that plans are ready to close the last section of the dam and begin inundation soon after April 1.

DOESN'T WANT TO USE FORCE

Phillips declared he will take action to prevent the closure if the Public Works Administration does not meet his demands for $800,000 to cover the cost of replacing roads and bridges.

"I'm watching it," said the Governor.

"The thing that will start the backing up of water is what we've got to prevent. I may be able to stop it with a phone call to the Grand River Dam Authority. I don't want to use force (the militia) if I can avoid it."

The road controversy is at a stalemate. John Carmody, power director for the Public Works Administration in Washington, insists that the State waive further claims in consideration for a $350,000 bridge built across the Grand River by the Public Works Administration about 2 years ago. His suggestion that the question be settled by litigation was scorned by Phillips.

EXHIBIT C

[From the Washington Daily News of March 13, 1940]

OKLAHOMA READIES TROOPS IN DAM ROW

DISNEY, OKLA., March 13.—The Oklahoma National Guard is mobilizing today to stop construction on the $20,000,000 Grand River Dam and hydroelectric project being built in northeast Oklahoma with Federal funds.

Governor Leon Phillips, a Democrat, antinew dealer, and foe of public power projects, was preparing a proclamation of martial law for the project area. The troops are mobilizing at Muskogee, 50 miles away, ready to march to the dam when the proclamation is issued.

Governor Phillips' action is part of his fight with the Public Works Administration over the amount to be paid the State for the flooding of three highways and two bridges, caused by the dam and its reservoir.

Governor Phillips wants the P. W. A. to pay $850,000. The P. W. A. claims it had an agreement with Governor Phillips' predecessor, Governor E. W. Marland, to pay $350,000. Governor Phillips maintains the agreement was verbal if there was actually one, and is, therefore, void.

ALMOST COMPLETED

Officials of the Grand River Dam Authority, an agency created by the State which is in charge of the project, indicated there would be no resistance—that work would cease.

The project is almost completed. The dam had been scheduled to take its first water April 1. The Authority's engineer said that if the dam is left open after April 1, when the flood season begins, the unfinished foundations might be damaged seriously.

In Washington, Acting Public Works Administrator E. W. Clark pointed out that the project was being constructed under State, not Federal, authority. If Governor Phillips wanted to start a "civil war" in Oklahoma, he said, "it was just too bad."

Federal Works Administrator John M. Carmody recalled that 10 days ago he urged Governor Phillips to take his claim to the courts.

"The only marching troops I know anything about are marching in Europe and Asia," he said. "Even there, civilized people are trying to reach an armistice. Here, we are at peace and here we have courts."

P. W. A. GRANTED $9,000,000

The dam authority was established in 1935. It sold $11,000,000 in bonds to the Reconstruction Finance Corporation. The Public Works Administration granted $9,000,000. The bonds were to be retired through the sale of hydro generated electricity to private utilities serving the area. Private utilities did not oppose the project.

Governor Phillips said the dam would never earn $11,000,000. He called it a white elephant.

"They couldn't sell that much electricity in those three counties up there in 50 years," he said.

AGAINST EVERYTHING

Charles Schwoerke, critic of Governor Phillips' policies, charged he had "gotten to the point where he is against anything originating in Washington. He has been friendly to all the utilities and, I believe, fears that the competition of a hydroelectric plant will force down power rates in Oklahoma."

The project gave employment to 3,000 men when work was at its peak. The dam is 150 feet high and is 6,500 feet long. When it is closed 52,000 acres will be flooded.

RED RIVER DAM NEXT

Next in line for martial law, Governor Phillips said, is the $53,000,000 Red River Dam, a Federal power and flood-control project on the Oklahoma-Texas border. It is in the initial stages of construction on the Texas side only, but Governor Phillips threatened to send the National Guard over "as soon as they stop puttering around on the Texas side and set foot on Oklahoma soil."

He has asked the United States Supreme Court for an injunction to block construction of that dam. The project, he said, was clearly a violation of States' rights, since Oklahoma had not approved it.

Governor Phillips campaigned for the governorship on a New Deal platform but soon after his election he split with the policies of the Roosevelt administration.

EXHIBIT D

[From the Washington Post of March 13, 1940]

MILITIA TO HALT COMPLETION OF UNITED STATES DAM—OKLAHOMA GOVERNOR TO ISSUE MARTIAL LAW DECREE AT $20,000,000 PROJECT

OKLAHOMA CITY, March 12.—Gov. Leon G. Phillips said he would declare martial law tomorrow at the $20,000,000 Grand River Dam in northeastern Oklahoma and send troops to prevent its final completion.

Phillips decided he had reached a stalemate with the Public Works Administration, with whom he has been pressing a demand of the State highway department for $850,000.

The sum represents the State's claim for damages the vast lake would do to roads and bridges in the four counties it would invade.

The National Guard men will establish their rule only over the arch where the last bit of concrete would be poured to enable closing the gates and impounding water.

Phillips said he had heard from private sources that final work on the arch was under way.

The red-headed Governor said he did not know how many guardsmen would be dispatched, nor what time they would move in.

The Governor's announcement followed a telephone conversation with Ray McNaughton, chairman of the board of directors of the Grand River Dam Authority.

He said McNaughton told him he was unable to obtain satisfactory assurances from Washington that the money would be put up for the benefit of Oklahoma if the State won its claim.

The controversy over completion of the mile-long dam, which would impound 52,000 acres of water to operate as a hydroelectric project, came to a swift climax this week after months of negotiation.

Few Oklahomans would be surprised if Phillips should take similar action at the $50,000,000 Denison flood-control, hydroelectric project on Red River, if it became necessary to enforce his claims for damage to State property.

Acting Public Works Administrator E. W. Clark said last night the $20,000,000 hydroelectric dam on the Grand River, near Vinita, Okla., is being constructed under authority of the State legislature, not the Federal Government, and if Governor Phillips wants to start a civil war in his State, "it is just too bad."

Advised that Phillips had ordered out the National Guard to block construction, Clark said:

"Doesn't the Governor know that the project is being built under authority of the State legislature, with only a loan and grant by the Federal Government?"

Mr. HATCH. Mr. President——

Mr. HILL. Mr. President, will the Senator from Oklahoma yield to me?

Mr. LEE. I yield.

Mr. HATCH. Mr. President, I thought I had the floor.

The PRESIDING OFFICER. The Senator from Oklahoma has the floor.

Mr. HATCH. Did the Senator yield the floor?

Mr. LEE. I was about to yield the floor, but if the Senator from Alabama wishes to ask me a question, I shall be glad to answer.

Mr. HILL. I wish to ask the Senator a question.

Mr. HATCH. That is perfectly agreeable to me.

Mr. HILL. The Senator from Oklahoma has well stated that the only issue raised in Oklahoma is in respect to two dams where hydroelectric power is generated. In other words, as I understand, no question is raised as to the dams which are being constructed in connection with which no hydroelectric power is to be generated. Is that correct?

Mr. LEE. That is correct.

Mr. HILL. Of course, since the Senator is familiar with the record, he knows that it was perfectly satisfactory through the years for the Government to spend hundreds of thousands of dollars, and millions of dollars, in the construction of dams, so long as those dams did not generate any hydroelectric power. It was only when we started constructing dams generating hydroelectric power that we were met with tremendous opposition, and every means possible was used to prevent the construction of such dams.

Mr. LEE. That is correct.

Mr. HILL. The Senator from Oklahoma has well said that, after all, this is simply a fight to get cheap electricity for the people of Oklahoma. We are all familiar with the long, devoted, and valiant fight waged by the Senator from Nebraska [Mr. NORRIS] to bring about the development of the Tennessee Valley and the Tennessee River. We know how, after disappointments and defeats, and after being confronted by seemingly insurmountable obstacles, he won that fight, and great dams have been built on the Tennessee River. The cities of Bessemer and Tarrant City, adjoining the city of Birmingham, in the Birmingham area, a few miles from that city, applied for loans from the W. P. A. in order that they might build their own municipal distribution plants. They also asked the T. V. A. to sell them power. The T. V. A. agreed to sell the power. The P. W. A. agreed to make the loans in order that the distribution plant might be built. Then what happened? These cities were thwarted in every step by the Birmingham Electric Power Co. and the Alabama Power Co., which furnished the power to the Birmingham Electric Power Co., and five different suits were brought in the courts in an effort to keep those cities from constructing their own distribution plants and from enjoying the benefit of the cheap T. V. A. power. The cities won their fight. They are now getting T. V. A. power.

What has been the result? Not only are the two cities of Bessemer and Tarrant City getting the power today at cheap T. V. A. rates, but as the result of T. V. A. power coming into the Birmingham area, the great city of Birmingham and all the other cities in that area have had their power rates reduced by the Birmingham Electric Power Co. and by the Alabama Power Co. to a point practically the same as the T. V. A. rates.

The fact of the matter is that when the T. V. A. power was turned on at Bessemer, Ala., the Birmingham Electric Power Co. carried a big advertisement telling about how it had reduced rates, and proclaiming that since 1933, when Congress passed the T. V. A. Act, and when the power program with reference to P. W. A. loans was enacted, the Birmingham Electric Power Co. had reduced electric rates in the Birmingham area not once, twice, or three times, but seven different times. I hope the people of Oklahoma will profit by the experience of the people of Bessemer and of Tarrant City and that they will fight this thing to the last, because, as the Senator from Oklahoma [Mr. LEE] has so well said, it is a battle to obtain cheap electric rates for them.

Mr. LEE. I thank the Senator; and I thank the Senator from New Mexico [Mr. HATCH].

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes.

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATIONS—CONFERENCE REPORT

Mr. GLASS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 7, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 9, 11, 13, 14, 16, 17, and 18, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum named in such amendment, insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$1,750,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Omit the matter stricken out and the matter inserted by such amendment, and on page 51 of the bill, commencing with the colon (:) in line 14, strike out the remainder of the line and line 15 and line 16 to and including the word "to"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$9,975,000"; and the Senate agree to the same.

CARTER GLASS,
KENNETH MCKELLAR,
PAT MCCARRAN,
J. W. BAILEY,
H. C. LODGE, Jr.,
Managers on the part of the Senate.

LOUIS LUDLOW,
EMMET O'NEAL,
GEO. W. JOHNSON,
GEORGE MAHON,
JOHN TABER,
CLARENCE J. MCLEOD,
FRANK B. KEEFE,
Managers on the part of the House.

The report was agreed to.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. HATCH obtained the floor.

Mr. REYNOLDS. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. REYNOLDS. I have before me an editorial which I clipped this afternoon from the columns of the Washington Daily News entitled "This Is Where We Came In." I should like to have the editorial printed in the RECORD at this juncture, together with an article which I likewise clipped this afternoon from the columns of the same newspaper, the Washington Daily News, entitled "Plain Economics."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Daily News]

THIS IS WHERE WE CAME IN

The filibustering debate on the Hatch bill has reached a point where opposition Senators are offering the same amendments over and over, using different language, and making the same speeches over and over, without using different language.

All this new Hatch bill does is to give to State employees who are paid with United States funds the same protection which the existing Hatch Act already gives Federal employees—protection against coercion of their ballots or shakedowns for campaign funds. Also it applies to United States paid State employees the same rules that Federal employees are required to observe against taking active part in political management or political campaigns. All persons affected by the present Hatch law or by this new measure will be free to vote as they please, speak as they please, and keep the money they earn—or give it away if they please. These simple facts about the legislation continue to stand out despite all the far-fetched misrepresentations that have been uttered and reuttered.

The President of the United States wants this new bill passed. A majority of the Senate is eager to vote its passage. And our guess is that a preponderance of rank-and-file citizens think it is high time to call the roll.

[From the Washington Daily News]

PLAIN ECONOMICS

(By John T. Flynn)

CHICAGO, March 14.—While Democratic politicians in Congress try to beat the Hatch bill to end the corruption of Government employees, an ugly scandal grows and darkens around the corpse of

a wretched man here in Illinois who was the manager of the kind of slush fund that bill tries to kill.

Politicians, contractors, grafters, and various virtuous citizens are trembling lest the secrets of a "little black book" in which the dead F. Lynden Smith recorded the intake and outgo of the corruption fund of the State Democratic organization should become public. Smith is dead and police are trying to find out whether he killed himself or was bumped off.

There is nothing new about political leaders and bosses forcing Government employees to contribute to their war chests. But until recently it was always looked upon as disreputable. Political reformers denounced it, tried to find ways to end it.

F. Lynden Smith, who apparently has just killed himself in Illinois, was the guardian of the money bag of the State Democratic 2-percent slush fund. He was an aide of Governor Horner.

Governor Horner is supposed to be a man of great probity and social vision. In Chicago the Kelly-Nash machine is just an old-time political racket, getting its funds from racketeers, liquor, bookie, and girl joints. But the Horner machine was supposed to be touched with the great white light of civic virtue. To fight the battle of the pee-pul, to save the forgotten man, and drive back the Kelly-Nash hordes in Chicago, the State machine had its 2-percent clubs—every person on the State pay roll is supposed to kick in 2 percent out of every dollar of pay for the Horner war chest. And Lynden Smith was the custodian and comptroller general of this fund.

But, of course, if it is all right to make a poor clerk hand over 2 cents out of every dollar of pay, why is it not equally all right to make every contractor and coal dealer hand over a percentage on every dollar of profit he makes? And so the machine was compelling everybody to kick in—the coal men 10 cents on every ton they sold, the contractors on some other basis. And the fund ran into the hundreds of thousands. There was always a huge war chest. And Smith held it.

But a chunk of money like that, gathered that way, inevitably corrupts the minds of the men who control it. And so the men around Governor Horner began to fight over its custody. Smith lost that fight. The battle got noisy and stimulated investigations. Smith had a black book full of names. The air was full of scandal. And then last week Smith was found in a bathtub dead, after having attempted to stab himself a few minutes before.

But now what of the 2-percent clubs? Well, paint them any color you wish, call them anything you like, gild them as you will, they are corrupt by every standard. They are corrupt when they are run by Tammany Hall or some crooked leader in Kansas City or Louisiana, and they are corrupt when they are run by some virtuous politician under the pretense of saving the pee-pul.

Mr. HATCH. Mr. President, when I rose a few moments ago I wanted to speak briefly in reply to the Senator from Indiana [Mr. MINTON], but I hardly think I shall take the time to reply just now.

With reference to the Washington Daily News, I wish to say that I have greatly appreciated the very fine support which has been given to this particular measure, not only by the Scripps-Howard newspapers throughout the country but by practically the entire press of the country.

I will say to the Senator from Indiana that yesterday I noticed that when one or two editorials appeared in scattering newspapers in opposition to the pending bill, the opponents of the measure made great haste to insert those editorials in the RECORD. I have not done so with the various clippings which have come to me from newspapers all over the country, because I did not want to encumber the RECORD. Likewise, I thought it would serve no useful purpose. However, I do appreciate the support of the press of the country for this measure, and also for the measure which we passed last year.

Mr. President, the Senator from Indiana portrayed a very pitiful picture of a man gathering his little family about him at his fireside, and his neighbors coming in, and the man not being able to discuss or even mention politics.

I appreciate fair argument and fair debate; and I am perfectly willing at any time to meet any of the real imperfections of the bill, if there be imperfections—and I am sure there are—and to argue and debate real issues with the Senator from Indiana or anyone else. However, I grow just a little weary of the extreme, unwarranted, and altogether unfounded statements which have been continually made throughout the course of this debate as to the effect of the bill. It has been constantly referred to as a measure to deprive the people of the right of free speech. The same thing was said of the measure which we passed last year.

I am quite sure Senators read the law and know what it contains. I am just as jealous of the rights of the citizens of this country as is any other Senator, and I am just as zealous as is any other Member of this body in the protection of the rights of citizens, according to my lights and my judgment. Being zealous, I wrote into the original law this provision; and I ask Senators to listen to what the law says, and not to extreme, unwarranted interpretations:

> All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

That language was written into the law, Mr. President.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. HATCH. No; I do not care to yield.

Mr. BROWN. Not just now, or not at all?

Mr. HATCH. I do not care to yield just now.

The language to which I refer differs from the rule of the Civil Service Commission in this respect: The rule of the Civil Service Commission says they may express their opinions privately. I did not like the word "privately." It did not sound good to me as an American citizen, and the word "privately" was stricken out. The law stands today just as I have read it.

In the original bill which I introduced at this session the same words were included, as I intended them to be. Later, and for the first time after the bill reached the floor of the Senate, I observed that in the redraft of the committee amendment those words had been omitted. I have been waiting day after day for some hard-swinging Senators, hitting right and left, to pick that up and accuse me of some dire, mysterious, and deep-seated plot against the liberties of the citizens of this country because those words were omitted. It had been my intention all the time to do what I shall now do, Mr. President.

I ask unanimous consent to insert, on page 4, line 22, following the word "campaigns" and the period, the identical language which appeared in the bill as I introduced it, and which appears in the original act.

Mr. BANKHEAD. Mr. President, what page is that?

Mr. HATCH. Page 4, following the word "campaigns" and the period, in line 22. I ask unanimous consent to have inserted the words:

> All such persons shall retain the right to vote as they may choose and to express their opinions on all political subjects.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? The Chair hears none, and it is so ordered.

Mr. HATCH. I merely mention that matter, Mr. President, to show that we have been careful and zealous in protecting the rights of citizens.

I do not wish to drag out the discussion longer. As I said yesterday, everything that can be said on the bill probably has been said not once but a dozen times. We are going over the same arguments, back and forth. I want to vote.

Mr. BANKHEAD. Mr. President, will the Senator yield for a question?

Mr. HATCH. I yield.

Mr. BANKHEAD. Does the word "subjects" include candidates?

Mr. HATCH. Yes.

Mr. BANKHEAD. Does the inanimate term "subjects" include candidates?

Mr. HATCH. Yes.

Mr. BANKHEAD. The word "subjects" covers only inanimate things, does it not?

Mr. HATCH. No; it has never been so construed. It means what it says, that the personal liberties of citizens are not restricted; and nobody wants to restrict them.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. HATCH. No; I do not think I shall yield any further. I wish to finish what I have to say.

As I previously stated, I hope we may defeat the amendment of the Senator from Utah [Mr. THOMAS], much as I appreciate his fine support. I know the high principle and motive behind his amendment. Nevertheless, I hope it may be defeated, and I hope we may now proceed to vote on this and other amendments as rapidly as possible until the bill is finished.

Mr. MINTON. Mr. President, will the Senator from New Mexico yield for a question?

Mr. HATCH. I yield.

Mr. MINTON. The right to express political opinions has been defined by the Civil Service Commission to mean the private expression of such opinions.

Mr. HATCH. Yes; the word "privately" is in the rule of the Civil Service Commission. It is not in the law.

Mr. MINTON. The Civil Service Commission has defined the right to express political opinions as the right to do so privately.

Mr. HATCH. Mr. President, that is because the word "privately" is included in the rule of the Civil Service Commission. The word "privately" is written into the rule. That is the word which I dropped out. I did it deliberately, intentionally, and I want it to remain out. As to what it means, I refer the Senator from Indiana to the message of the President of the United States in approving the Hatch Act, in which he discussed this very subject, and said that the act does not infringe upon the liberties of the citizens.

SEVERAL SENATORS. Vote! Vote!

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. HATCH. I yield.

Mr. SCHWELLENBACH. Let me say to the Senator that we are now on the side of the question on which I agree with him; and I ask this question on that side.

Mr. HATCH. I hope the Senator will remain on this side.

Mr. SCHWELLENBACH. No; I take the position that we should not change the present Hatch law, passed last year. We have not had an election since Congress passed it and the President signed it, and I do not think we should change it now.

I wish to ask this question about the Senator's last argument: What is the distinction between taking an active part in political campaigns and the right to express opinions on all political subjects? Take the case of the man who is going around in a precinct. He expresses his opinion. Just where does the line of distinction fall? If he expresses his opinion under one set of circumstances, it comes within the second sentence; and if he expresses his opinion under another set of circumstances, it comes within the first sentence. I should like to have the Senator explain just where the line of distinction lies.

Mr. HATCH. I appreciate the Senator's question. As I said, I do not want to take the time further to discuss this measure. The President has already pointed out in his message one distinction, which I think is a very sound distinction. It certainly would not include the case mentioned by the Senator from Indiana. Such a thing would be perfectly legitimate. However, taking the stump and making speeches in behalf of a candidate or a party would be undue political activity.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Utah [Mr. THOMAS], as modified.

Mr. THOMAS of Utah. Mr. President, I have asked for a yea-and-nay vote; but before we vote I should like to say a few words.

The amendment which I have offered is simplicity itself. It merely does one single thing; it puts upon the person who is working politically to gain an office exactly the same restrictions that it puts upon the person who is theoretically working to retain his office. In other words, the logic of the amendment is that what is good for one party is good for two parties. A further bit of logic is that if the theory of the Hatch bill is proper, and employees of the Federal Government should be restricted in their activities, then those who are seeking to become employees of the Federal Government should at least not immediately become the beneficiaries of their acts.

The Hatch Act as it is, and as it will become when amended would be, without my amendment, an act against the party and not against individuals. It is so that the act may be against the actions of individuals, and not against actions of individuals in a particular party, that the amendment is offered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Ellender	Lodge	Sheppard
Andrews	Frazier	Lucas	Shipstead
Austin	George	McCarran	Smathers
Bailey	Gerry	McKellar	Smith
Bankhead	Gibson	McNary	Stewart
Barbour	Gillette	Maloney	Taft
Barkley	Glass	Mead	Thomas, Idaho
Bilbo	Green	Miller	Thomas, Okla.
Brown	Guffey	Minton	Thomas, Utah
Bulow	Gurney	Murray	Townsend
Burke	Hale	Neely	Tydings
Byrnes	Harrison	Norris	Vandenberg
Capper	Hatch	O'Mahoney	Van Nuys
Chandler	Herring	Pepper	Wagner
Chavez	Hill	Pittman	Walsh
Clark, Mo.	Holman	Reed	Wheeler
Connally	Holt	Reynolds	Wiley
Danaher	Johnson, Colo.	Russell	
Davis	La Follette	Schwartz	
Donahey	Lee	Schwellenbach	

The PRESIDING OFFICER. Seventy-seven Senators having answered to their names, a quorum is present. The question is on the amendment offered by the Senator from Utah [Mr. THOMAS] on which the yeas and nays have been requested.

The yeas and nays were ordered, and the legislative clerk called the roll.

Mr. AUSTIN. I announce that on this question the Senator from California [Mr. JOHNSON] is paired with the Senator from Utah [Mr. KING]. If present, the Senator from California would vote "nay" and I am informed that the Senator from Utah would vote "yea."

The Senator from New Hampshire [Mr. TOBEY] is paired with the Senator from Illinois [Mr. SLATTERY]. If present, the Senator from New Hampshire would vote "nay" and I am advised that the Senator from Illinois would vote "yea."

Mr. MILLER. I have a pair with the Senator from North Dakota [Mr. NYE]. I am advised, however, that he would vote as I intend to, and I am, therefore, at liberty to vote, and vote "nay."

Mr. THOMAS of Utah. I have a general pair with the Senator from New Hampshire [Mr. BRIDGES]. I transfer that pair to the Senator from Virginia [Mr. BYRD], and will vote. I vote "yea."

Mr. CLARK of Missouri. My colleague [Mr. TRUMAN] is detained on important public business. I am advised that if present and voting he would vote "nay."

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Arizona [Mr. ASHURST], the Senator from Virginia [Mr. BYRD], the Senator from Arkansas [Mrs. CARAWAY], the Senator from Idaho [Mr. CLARK], the Senator from California [Mr. DOWNEY], the Senator from Delaware [Mr. HUGHES], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Maryland [Mr. RADCLIFFE], and the Senator from Illinois [Mr. SLATTERY] are detained on important public business.

The Senator from Louisiana [Mr. OVERTON] is unavoidably detained. I am advised that if present and voting he would vote "nay."

The Senator from Arizona [Mr. HAYDEN] is attending a committee meeting and is, therefore, unable to be present.

The result was announced—yeas 18, nays 59, as follows:

YEAS—18

Bankhead	Glass	Minton	Smathers
Brown	Guffey	Murray	Thomas, Okla.
Bulow	Herring	Pepper	Thomas, Utah
Chavez	Johnson, Colo.	Russell	
Donahey	La Follette	Schwellenbach	

NAYS—59

Adams	Bilbo	Connally	Gerry
Andrews	Burke	Danaher	Gibson
Austin	Byrnes	Davis	Gillette
Bailey	Capper	Ellender	Green
Barbour	Chandler	Frazier	Gurney
Barkley	Clark, Mo.	George	Hale

Harrison	McKellar	Reed	Townsend
Hatch	McNary	Reynolds	Tydings
Hill	Maloney	Schwartz	Vandenberg
Holman	Mead	Sheppard	Van Nuys
Holt	Miller	Shipstead	Wagner
Lee	Neely	Smith	Walsh
Lodge	Norris	Stewart	Wheeler
Lucas	O'Mahoney	Taft	Wiley
McCarran	Pittman	Thomas, Idaho	

NOT VOTING—19

Ashurst	Clark, Idaho	King	Slattery
Bone	Downey	Lundeen	Tobey
Bridges	Hayden	Nye	Truman
Byrd	Hughes	Overton	White
Caraway	Johnson, Calif.	Radcliffe	

So the amendment of Mr. THOMAS of Utah was rejected.

USE OF INSIGNIA OF VETERANS' ORGANIZATIONS

The PRESIDING OFFICER (Mr. JOHNSON of Colorado in the chair) laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 5982) for the protection against unlawful use of the badge, medal, emblem, or other insignia of veterans' organizations incorporated by act of Congress, and providing penalties for the violation thereof, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCARRAN. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCARRAN, Mr. VAN NUYS, and Mr. DANAHER conferees on the part of the Senate.

EXTENSION OF ANTIPERNICIOUS POLITICAL ACTIVITIES ACT

The Senate resumed the consideration of the bill (S. 3046) to extend to certain officers and employees in the several States and the District of Columbia the provisions of the act entitled "An act to prevent pernicious political activities," approved August 2, 1939.

Mr. BROWN. Mr. President, I have at the clerk's desk an amendment which I hope the Senator from New Mexico will accept. I ask to have the amendment stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Michigan will be stated.

The LEGISLATIVE CLERK. At the end of the committee amendment it is proposed to add a new section, as follows:

Nothing in this act or in said act of August 2, 1939, shall be construed to prevent any person employed by the Federal Government, the State government, the municipal government, or any agency thereof, from becoming a bona fide candidate for any public office and engaging in any lawful political activity in furtherance of his candidacy and in support of his party in the event he takes a leave of absence without pay from his employment during the campaign.

Mr. BROWN. Mr. President, rule 14 of the Civil Service Rules, which is contained on a franked card sent out by the Senator from New Mexico, prohibits civil-service employees from becoming candidates for nomination or election to any National, State, county, or municipal office and would prohibit the officers and employees proscribed by this measure.

Mr. HATCH. Mr. President, will the Senator yield to me?

Mr. BROWN. I yield to the Senator from New Mexico.

Mr. HATCH. Of course, I am in no position to accept mandates. We are dealing with committee amendments. But so far as I personally am concerned, I have no objection to the Senator's amendment.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield to the Senator from Washington.

SEVERAL SENATORS. Vote!

Mr. SCHWELLENBACH. Mr. President, I have not taken any time in this debate, and I do not think anybody should object because I ask a question.

I am rather disappointed that the Senator from New Mexico should accept this amendment. Certainly, if the philosophy that he has is a correct one, there should be nothing to which he would more object than a person who has contacts with a political organization taking a leave of absence during the period of the campaign and then coming back and getting his job again. It seems to me the Senator from New Mexico certainly should object to this amendment.

Mr. BROWN. I thing the Senator from Washington perhaps misapprehends the meaning of the amendment. It would not permit an official of the Government to take a leave of absence and participate in a political campaign unless he was a bona fide candidate for office. Then he could participate, of course, in his own campaign, and in the campaign of his political party which was conducted at the same time his own campaign was in effect.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. Yes; I yield to the Senator.

Mr. SCHWELLENBACH. I know of nothing which might involve more impure politics than for a man who occupies an executive position, who has under him a large number of employees, to take a leave of absence with the understanding that he is going to run for office, and then come back and again hold his position if he is defeated in the election. I am astounded that the Senator from New Mexico is willing to agree to the amendment.

Mr. BROWN. Of course, I am not in agreement with a good many of the propositions the Senator from New Mexico has advanced here; but it seemed to me that when we went so far as absolutely to prohibit a man from being a candidate for office, no matter if he was willing to lay aside his employment for the entire period of the campaign, we were going away beyond what the Senate and the House ought to do.

Mr. MILLER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Arkansas?

Mr. BROWN. I yield to the Senator.

Mr. MILLER. I did not clearly understand the provisions of the amendment. Would it apply only to State, county, and municipal employees?

Mr. BROWN. To any employee of the Federal Government, the State governments, the municipal governments, or any of the agencies thereof.

Mr. MILLER. That is all right.

Mr. CLARK of Missouri. Mr. President, will the Senator yield for a question?

Mr. BROWN. I yield.

Mr. CLARK of Missouri. In the case of the W. P. A., the Senator's amendment would simply permit a W. P. A. administrator, let us say a State administrator, to take a leave of absence, run for Governor, Senator, or any other office he pleased, and in the meantime hold over the persons who are in the W. P. A. the threat that "As soon as this election is over I shall be back and be over you, and you had better watch your step in the meantime."

Mr. BROWN. The Senator is very unfair in the way he puts his question.

Mr. CLARK of Missouri. That would be the effect of the amendment.

Mr. BROWN. There is nothing in the amendment which permits a man to make a threat of any kind; and the present law amply protects any employee of the W. P. A. or any person who is on relief from coercion or threats of any kind.

Mr. CLARK of Missouri. In the case of a poor devil who is employed as a timekeeper, or who has come to the W. P. A. from the relief rolls, and who knows that the man who has been his boss is going to be his boss again unless he is elected to office as a candidate, does the Senator think he is going to feel perfectly free in his action because somebody says, "You shall not be coerced?" How does he know what the W. P. A. director is going to do when he comes back?

Mr. BROWN. I should not have the slightest objection, if the Senator from Missouri should propose it, to exempting officials of the W. P. A. from the provisions of this exception, because we especially legislated regarding them in the original Hatch Act; but I believe that any citizen of the United States has a right to aspire to political office, and I do not think a professor in the University of Michigan, who probably has no income other than his salary, ought to be denied

the right to run for office if he is willing to lay down his office during the period that he is a candidate.

Mr. MINTON. Mr. President——

Mr. BROWN. I yield to the Senator from Indiana.

Mr. MINTON. Does not the Senator from Michigan think the illustration given by the Senator from Missouri is more apparent than real? Because a man who happens to be the administrator of W. P. A. over a State is running for office, the Senator from Missouri seems to indicate that that fact in itself is a warning to everybody who works under him that they have to do what the administrator wants them to do, and go and vote for him on election day. How is the administrator going to know how they vote when they get in the booth and pull the curtain behind them?

Mr. CLARK of Missouri. If the Senator from Michigan will permit me, that is the same old argument that was made against the railroads threatening their employees back in 1896. I can remember the Democrats going around and telling the railroad employees, "The officials of the railroads will not know how you vote," but it was impossible to make the railroad employees believe that they would not find out; and it will be impossible to make the W. P. A. employees believe that there will not be a leak, and that the man who has in his absolute control their means of livelihood may not be able to find out how they voted. That condition applies not only to the W. P. A. but all up and down the line to Government offices.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. HATCH. I think the position taken by the Senator from Missouri, especially about the W. P. A., is absolutely correct; and I should very much like to see the Senator from Michigan amend his suggested amendment and certainly exclude any official of the W. P. A.

Mr. BROWN. I realize that we have applied a different rule to relief workers and relief employees of the Government than we have to others. I was particularly aiming at State officials, municipal officials, county officials, and Federal employees who are not on the relief rolls.

I am perfectly willing to accept an amendment exempting from the exception in the act officials who I think are referred to in section 3 of the existing Hatch law.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. SCHWELLENBACH. Is there any real distinction, so far as the W. P. A. is concerned? Is not the distinction whether these people have employees under them or not? If the Senator would say that we would make an exemption of those who do not have more than five employees under them, or something of that kind, I would not object to the amendment; but I happened to run in an election against a couple of men who were in office, and I know what their employees did for them, because they knew what their bosses would do when they got back into their jobs after they lost the election. I may be personally prejudiced in the matter because I had such an experience, but I do not think anyone occupying one public office should be privileged to run for another office. I do not say we should write anything into the law which would lay down that rule, but I do say, on the other hand, we certainly should not make an exception in the proposed act and say that it is perfectly proper for someone occupying a public office to take a leave of absence and then get his job back when he meets defeat in the election.

Mr. BROWN. We have classified the W. P. A. relief workers in the original Hatch Act very differently from the way we have classified the general employees of the Government of the United States. For instance, a W. P. A. worker may not make any contribution, voluntary or involuntary, to a political campaign, while all other Government employees may make voluntary contributions.

Mr .CONNALLY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. CONNALLY. Is not the distinction the Senator says we have drawn a rather shadowy one? There may be a collector of internal revenue who has under him perhaps 75 or 200 employees. Then there may be a W. P. A. official who has a good many W. P. A. employees under him. What have those employees? In each case they have jobs, have they not? That is all they have—jobs which they are holding by virtue of the appointment or selection of their chief. So I do not see anything which differentiates the W. P. A. man who has a poor job from some other employee who has a good job.

Mr. BROWN. The Senator appreciates the fact that in the case of the W. P. A. employee the relief funds of the Treasury of the United States are being used.

Mr. CONNALLY. I grant that.

Mr. BROWN. While the other officials are officials who are conducting the general affairs of the Government of the United States, they do not have a large number of employees under them, certainly not nearly so large a number as those upon the W. P. A. rolls. While my amendment was originally drawn to give every Government employee, every State employee, every municipal employee the right to run for public office if he took a leave of absence, yet I was willing, in order to satisfy the Senator from Washington and the Senator from New Mexico, to leave out executives in the W. P. A.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. BARKLEY. I think there may be legitimate objection to exempting any particular class of employees, because there may be other supervisory and administrative officials who have just as much power over their subordinates as has any supervisor or administrator of the W. P. A. Would the Senator from Michigan be willing to accept an amendment along this line, exempting from the provisions of his amendment those who occupy administrative and supervisory positions, so that it would take away, even during the period of suspension from their own employment, while they are candidates, the implied fear, the intellectual reaction of the voter to what might happen to him if the supervisory officer should be defeated and should return to his original employment? In that case we would not be picking out any particular class of employee for exemption, but we would be picking those who might exercise influence over others. I offer that to the Senator merely as a suggestion.

Mr. BROWN. I am very happy to have the suggestion from the majority leader. I do not know just to whom it would apply. For instance, a deputy highway commissioner in the State of Michigan might aspire to the office of highway commissioner, which is a perfectly logical ambition for him to have. If the activity were connected with the construction of Federal-aid highways in the State of Michigan, he would be prohibited, under the present law, and under the proposal of the Senator from New Mexico, from becoming a candidate for higher office unless he gave up what amounts to a civil-service position, which he is fairly certain to hold for a considerable length of time. Unless he were willing to give that up, he could not be a candidate.

Likewise, taking the case of a gentleman whom the Senator from Kentucky knew, of whom I spoke the other day, the famous dean emeritus of our college of engineering at the University of Michigan, Dean Cooley, who was a candidate for the United States Senate in 1930. I think he should be permitted to be a candidate for office if he is willing to retire from his position for the time being. So I do not know just how far the suggestion of the Senator would go.

Mr. BARKLEY. Let me say to the Senator in that connection that I doubt very much whether the president of the university or a teacher in a university would have such control over those under him—the students, or the professors or teachers—as really to make it necessary to worry much about it.

Mr. BROWN. I think that is true.

Mr. BARKLEY. This movement has not grown up because of any complaint connected with the universities or the teaching profession.

Mr. BROWN. But the dean of the school of engineering would certainly be an administrative officer.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. BROWN. I do not believe the Senator from Kentucky has concluded his interruption.

Mr. BARKLEY. He would not, under the Senator's amendment, or the suggestion involving the W. P. A., be eliminated. He would not be exempted even under that, unless the W. P. A. were contributing to the activities of the college or the university with respect to its engineering activities. That would happen only when they were building a new structure, as many of the universities have done, including the university of my own State; but the W. P. A. has very little to do in their general engineering activities, I understand.

Mr. BROWN. I do not think the W. P. A. exception would affect the head of the school of engineering in any way.

I now yield to the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, I rose to see if I could get clear in my own mind just how far the Senator from Michigan desired to go with his amendment and what exemptions he would be willing to make from the effect of his amendment. My understanding is that he stated a moment ago that he saw a sound reason for excluding from the provisions of his amendment persons who were directing W. P. A. work. Did I understand him correctly?

Mr. BROWN. I should like to utter merely a sentence or so in that connection. I see some reason for it, and I am impelled to agree with the Senator from New Mexico, who made the suggestion, because in the original Hatch law he has differentiated between relief workers and the supervisory personnel.

Mr. O'MAHONEY. May I make a suggestion to the Senator?

Mr. BROWN. I should be very glad to have the Senator's suggestion.

Mr. O'MAHONEY. That is the purpose for which I rose; first, dealing with the W. P. A. administrative employee; and second, with regular civil-service employees. It is my understanding that under the present civil-service rule a civil-service employee who is holding a position without term——

Mr. BROWN. Let us say a postmaster.

Mr. O'MAHONEY. That is to say, holding a position for life, is not permitted to take leave of absence and become a candidate. Would the Senator object to inserting at the proper place in his amendment some such language as this, "Except persons holding regular United States civil-service positions and persons employed in a supervisory or administrative capacity and paid out of any Federal appropriation for relief or work relief"?

Mr. BROWN. What does the Senator from New Mexico think of that suggestion?

Mr. HATCH. Mr. President, I think the suggestion made by the Senator from Wyoming is a good one if the amendment is to be adopted. Would the Senator desire to accept it?

Mr. BROWN. It sounds logical to me. I had not thought of civil-service employees, except postmasters.

Mr. GEORGE. Mr. President, let me suggest that if it is desired to do what I understand the Senator from Michigan wishes to do, he could except all State, county, and municipal officers who are affected by the act and permit them to become candidates for office. But, put in the broad way in which it is now suggested, the amendment is exceedingly vicious. It has all the vice that is sought to be eliminated by the Hatch Act and under the philosophy of that act, which is to secure free elections. It is not a question of purity in politics; we will never have that. But we can make elections reasonably free from official coercion. We can save the very basis of the democratic process by preserving the freedom of elections.

There is an objection to saying that a State, county, or municipal officeholder—a member of a school board, if you please—cannot become an active candidate for office in a State because he has been engaged in administering a project to which the Federal Government has contributed. But I think the Senator could do all he desires by relieving from the ban every State, every county, every municipal officer, or the officer of any political subdivision within a State, leaving the prohibition to remain against the Federal officer. Then we would not be troubled with the question of the civil service, and we would not be troubled with any other question such as that concerning W. P. A. administrative officers.

Mr. BROWN. I thank the Senator from Georgia. I think that solves several questions.

Mr. GEORGE. I do not believe there would be any objection to the amendment if it were restricted in that way.

Mr. BROWN. I did not have Federal officials primarily in mind.

Mr. GEORGE. I understand that.

Mr. BROWN. And all through the debate I have been worried over the city and county employee—the small employee.

Mr. GEORGE. I think the Senator is quite correct. I think his amendment should be adopted.

Mr. HATCH. I may say to the Senator from Michigan in that connection that I wish he would not press his amendment at this time, but that we take time to try to work out something different, because a while ago, when I said I would not object to the amendment, I did not realize how far-reaching the language was, and all it might accomplish. After listening to the discussion on the floor, and visualizing what could take place under the amendment, absolutely contrary to the very thing I have been trying to do, I feel that if the amendment is left in its present shape, or even with the suggested modifications, I should be compelled to object to it and ask that it be defeated. If the Senator from Michigan would defer this amendment I believe we could perhaps work out provisions which would accomplish the things he wants to do, but not destroy what all of us are trying to accomplish.

Mr. O'MAHONEY. Mr. President, I believe the suggestion of the Senator from Georgia would meet the situation. Certainly it would cover the case brought up in my suggestion.

Mr. BROWN. I will say to the Senator from New Mexico that if I applied the suggestion of the senior Senator from Georgia, the amendment would read as follows:

> Nothing in this act or in said act of August 2, 1939, shall be construed to prevent any person employed by the Federal Government, the State government, the municipal government, or any agency thereof, from becoming a bona fide candidate for any public office and engaging in any lawful political activity in furtherance of his candidacy in the event he takes a leave of absence without pay from his employment during the campaign.

Mr. HATCH. Mr. President, in this connection I do not want to change existing law. I would rather wait and see what we can do about the matter under discussion. Therefore I suggest to the Senator that action on the amendment be not pressed by him at this time.

Mr. BROWN. I do not desire to press action on the amendment against the objection of the Senator from New Mexico.

Mr. MINTON. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. MINTON. I think the Senator from New Mexico has advanced a sound argument. I think we all are coming to the conclusion that the bill ought to be recommitted. It is becoming so confused, so difficult to understand, that I think we ought to recommit the bill so as to give it more study.

Mr. HATCH. Mr. President, will the Senator yield to me for a moment?

Mr. BROWN. I yield.

Mr. HATCH. I am not confused, and it is not difficult for me to understand my position. The bill as it is written suits me well. I have been trying to work with Senators possibly to get a vote on the bill and dispose of it, and I have tried not to be unreasonable in my attitude. The bill is perfectly all right with me. I am ready to vote now.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

Mr. BROWN. I yield.

Mr. SCHWELLENBACH. I should like for a moment to challenge the statement of the Senator by advancing one reason why there should be an exception in the case of educational institutions. It happens, so far as I am personally concerned, that prior to the time I filed for the Senate I occupied an administrative position in our State university. The first thing I did when I filed for the Senate was to resign from that position. I think it is extremely important that no one connected with an educational institution be permitted to run for public office.

One thing we must do is to keep our educational institutions out of politics. I know I could not control any votes on the faculty of that university, but I resigned because I believed I had no right to drag the university into politics.

Mr. BROWN. If the Senator felt he should resign as a trustee of the University of Washington in order to run for the Senate because there might be some influence on his part upon the officials and the members of the faculty of the university——

Mr. SCHWELLENBACH. No; that was not it. I did not delude myself that I had very much influence.

Mr. BROWN. Let me finish. Why should not the Senator resign from the United States Senate before he becomes a candidate for reelection to the United States Senate? It seems to me the same reasoning applies in both cases.

Mr. SCHWELLENBACH. No; there is a difference. I did not resign because I thought I had influence over the faculty, but because I knew that that institution should not be dragged into politics, and that if I kept my position, or if I took a leave of absence, I was going to drag it into politics.

Mr. BROWN. I happen to be a trustee of the Methodist college from which I graduated in 1911.

Mr. SCHWELLENBACH. That is not a tax-supported institution, is it?

Mr. BROWN. In part it is. It receives considerable aid from the N. Y. A. and from other Government funds, and there has, I am certain, never been the slightest suspicion that simply because I was a trustee of that institution, that college, my alma mater, was dragged into politics. If a regent or a trustee of the University of Washington, or a teacher on the faculty tried to become a candidate for the office of mayor of the city of Seattle, Wash., or for Senator of the United States, or even President, he certainly would not thereby drag that institution into politics.

Mr. SCHWELLENBACH. Does not the Senator believe if he had been occupying the same position in the University of Michigan that he occupied in the private institution, that the whole university would have been dragged into the political campaign?

Mr. BROWN. As I have instanced several times, the dean emeritus of the college of engineering was the Democratic candidate for the United States Senate in the year 1930, and certainly the great university of Michigan was not involved in that political campaign.

Mr. SCHWELLENBACH. There is much difference between a dean emeritus, who is for all practical purposes retired, except that he draws perhaps an amount equal to half of his salary, or something like that, and has an honorable connection with the institution, and someone who is actively connected with the institution, and who, if he loses his political battle, will not have ended active connection with the institution after the election is over.

Mr. BROWN. I recall, if I am not mistaken, that Prof. Marion LeRoy Burton, president of the University of Minnesota and afterward president of the University of Michigan, was once the keynote speaker at a political convention. That did not drag the university into politics.

I think we are going altogether too far with this matter. We seem to forget that we still have a secret ballot in the United States, and no matter how a person may talk, he can vote without anyone knowing how he votes.

Mr. President, I yield to the suggestion of the Senator from New Mexico, and if he is unwilling to accept this amendment, I am perfectly agreeable to let it go over until tomorrow.

Mr. HATCH. I may say to the Senator that from the conversations I have had with many Senators who are interested, I am confident we can work out something which will be agreeable.

Mr. BROWN. Very well. I temporarily withdraw the amendment, Mr. President, and will ask for its consideration tomorrow.

Mr. McNARY. Mr. President, what was the last statement made by the Senator from Michigan?

The PRESIDING OFFICER. The Senator from Michigan temporarily withdraws his amendment.

Mr. BARKLEY. Mr. President, I think the time has come when we ought to arrive at an agreement with respect to voting. We all had hoped, and I am sure I speak for those opposing the bill, as well as those who are supporting it, that we would have disposed of the proposed legislation by this time. Obviously we cannot dispose of it today; but I think we ought to dispose of it tomorrow, and if we can dispose of it tomorrow, I should be disposed to adjourn over the week end. I do not offer that as an inducement but simply to say what is on my mind.

Therefore I ask unanimous consent that not later than 5 p. m. tomorrow the Senate proceed to vote on the bill and all amendments and all motions pertaining thereto, and that no amendment shall be offered which has not been sent to the desk and read for the information of the Senate not later than 4:40 p. m. tomorrow.

Mr. THOMAS of Oklahoma. Mr. President, reserving the right to object, at the earliest possible date I intend to move to strike section 15 from the bill. My reasons are that the section is clearly unconstitutional. I am not sure that it makes much difference, but I desire the record to show that in the opinion of at least one Member of the Senate, section 15 as now printed in the bill is clearly unconstitutional.

Mr. McKELLAR. Make it two Members of the Senate.

Mr. THOMAS of Oklahoma. This section pretends to delegate congressional power. The decisions are all one way. The Congress may delegate congressional power within certain limitations, but the limitations must be clearly defined. There is no support in the Supreme Court decisions for the suggested rule. Section 15 delegates to the Civil Service Commission power even to make statutory law and to provide penalties. So before the unanimous-consent agreement is reached I shall desire enough time to make my motion and to make a record.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. THOMAS of Oklahoma. I yield.

Mr. BARKLEY. The Senator's motion would be disposed of on the question of agreeing to the committee amendment. Section 15 is a committee amendment, and the question would be on the adoption or rejection of that amendment. The agreement which I have asked would not in any way interfere with the Senator's plan. It would not be necessary for him to move to strike out the section, because automatically the question would be on agreeing to the committee amendment.

Mr. THOMAS of Oklahoma. Mr. President, the effect is exactly the same.

Mr. BARKLEY. Yes.

Mr. THOMAS of Oklahoma. I am advised that a substitute will be offered for section 15. I have examined the substitute only slightly; but from my examination the substitute is not in proper form, in that it refers to the wrong place in the civil-service rules. It refers to an Executive order which extends the classified civil service and does not refer to the rules promulgated by the President. So some little discussion will be required to get this matter in shape.

I shall also hold, if I have the opportunity—as I plan to have—that even though section 15 should be stricken from the amendment and the new section substituted, that would not cure the defect of which I shall complain.

The PRESIDING OFFICER. Is the Chair to understand that the Senator objects to the unanimous-consent request?

Mr. THOMAS of Oklahoma. I shall object unless ample time is afforded to discuss section 15. I have no objection to an agreement with respect to all other parts of the bill.

Mr. BARKLEY. I am not asking at this time any limitation on debate.

Mr. THOMAS of Oklahoma. Mr. President, the Senator made a request to vote at or before a certain time. A request to vote at or before a certain time certainly puts a time limitation on every amendment.

Mr. BARKLEY. It imposes an aggregate limitation. After 5 o'clock there could be no debate, but that would not limit any Senator who obtains the floor in discussing an amendment which he offers or opposes.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. McKELLAR. As I understood the request of the Senator, amendments might be offered until 4:40 p. m. tomorrow. If between now and 4:40 tomorrow afternoon a Senator should offer an amendment to include in the bill the antilynching bill—which would be in order—the agreement would limit debate on that amendment as well as on any other.

Mr. BARKLEY. That is true. However, I will say to the Senator that I have every reason to believe that such an amendment will not be offered. I do not think it will be.

Mr. McKELLAR. I do not think it will be, either. I hope it will not be, because, unless we have an agreement that it will not be, I am unwilling to agree to the request of the Senator.

Mr. BARKLEY. If we are to allow that contingency to prevent an agreement to vote on the bill, I do not know any way by which we can obtain an agreement, unless the Senate is willing to agree by unanimous consent that it shall not be in order for any Senator to offer that proposal as an amendment to the bill.

I do not know whether or not the Senate would agree to such a stipulation. I am perfectly willing to ask for it if it can be agreed to, because I do not think the antilynching bill ought to be offered as an amendment to the pending bill. I think that proposal should be considered on its merits, and it seems to me it does not conduce to the impartial discussion of that proposal to make it a football to be thrown in here in an effort to defeat the proposal now pending. I do not know whether or not I could obtain unanimous consent with respect to that proposal, but if I could, I certainly should be glad to do it.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BARKLEY. I yield.

Mr. CONNALLY. I will say to the Senator that I have no intention of offering such an amendment to the pending bill. I wish to suggest to the Senator a plan which might be adopted. I do not care to delay the bill. Why does not the Senator from Kentucky make a unanimous-consent request that all amendments shall be submitted by 3 o'clock tomorrow, and that no amendments offered after that time shall be considered, and at that time renew his request for a limitation of debate thereafter? That would solve the problem without putting the Senate in the position of having to enter into an agreement about any particular kind of amendment. Some of us will diligently look into the amendments then pending, and if there is no objectionable amendment we will agree to limit debate.

Mr. McKELLAR. Mr. President, I hope neither the Senator from Texas nor any other Senator will infer from the question I asked a few moments ago that I am in favor of such an amendment, because I am not.

Mr. BARKLEY. Mr. President, I renew my request made a while ago, with the proviso that if the antilynching bill shall be offered as an amendment to the pending bill, the agreement to vote at 5 o'clock tomorrow shall be null and void.

Mr. THOMAS of Oklahoma. Mr. President, may we have the request stated again?

Mr. BARKLEY. I ask unanimous consent that not later than 5 o'clock p. m. tomorrow the Senate shall proceed to vote on the bill and all amendments thereto, and that no amendment shall be offered which has not been read for the information of the Senate not later than 4:40 o'clock; with the proviso that if the antilynching bill shall be offered as an amendment to the pending bill this agreement shall lapse and be null and void. Several Senators have feared that at the last minute, after debate is concluded, some amendment may be offered which no one can explain. So we propose to vote at 5 o'clock p. m.

Mr. THOMAS of Oklahoma. Mr. President, unless section 15 shall be eliminated, I shall be forced to object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. I ask unanimous consent that after the hour of 2 o'clock p. m. tomorrow no Senator shall speak more than once or longer than 20 minutes on the bill or any amendment thereto.

Mr. BILBO. Mr. President, I am as anxious as is my good friend the senior Senator from Georgia [Mr. RUSSELL] to take up the agricultural appropriation bill. I do not want to be put in the attitude of postponing action on that important bill. The farmers are very anxious about it. However, I have an idea that somewhere in the proceedings an amendment will be offered which will require considerable discussion. I have seen a suggested copy of such an amendment, and if any attempt is made to adopt that amendment I shall be forced to occupy a little time.

I understand a motion will be made, before we conclude the debate, to recommit the bill to the committee for its perfection. I think that motion will require a review of the whole gamut of the amendments and discussion which we have had heretofore. I do not see how we could possibly agree to the suggestion made by our leader to act on the bill tomorrow.

Mr. BARKLEY. Mr. President, the Senator evidently misunderstood me. I was not asking that we act on it at 2 o'clock. The request I made was that beginning at 2 o'clock there should be a limitation of 20 minutes on the bill and 20 minutes on each amendment.

Mr. BILBO. That is the point I was making. The amendment which is on the way, and also the motion to recommit, are of such character that it would take longer than the time fixed by the leader for a Senator to express his views on whether or not the bill should be recommitted, or to elaborate and to meet the objections to the amendment which I know is coming; so I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BARKLEY. Mr. President, I move that the Senate take a recess——

Mr. RUSSELL. Mr. President, will the Senator withhold the motion?

Mr. BARKLEY. I withhold it.

Mr. RUSSELL. I hope the majority leader, seeing the position in which we are now placed with respect to the bill, which I anticipated on Monday when I endeavored to bring up the agricultural appropriation bill, will either make some unusual efforts to bring this bill to a conclusion by holding longer sessions, or lay it aside in order that the agricultural appropriation bill may be considered.

Mr. BARKLEY. I am about to make a motion that the Senate take a recess until 11 o'clock tomorrow. I think I have made every possible reasonable effort to expedite consideration of the bill. Senators on both sides of the question tell me that they want to bring it to a disposition, vote on it, and get through with it; yet when I offer a suggestion as to some method by which that can be done, I cannot obtain an agreement. If we cannot obtain an agreement to vote on the bill tomorrow, or to limit debate, I intend to move that the Senate take a recess until 11 o'clock tomorrow. If the Senate is willing to meet at 11 o'clock, I hope we can make some headway tomorrow.

Mr. RUSSELL. Mr. President, I regretted on Monday that I could not share the Senator's optimism that the bill would be disposed of by Tuesday afternoon of this week. I do not wish to be too importunate——

Mr. BARKLEY. The Senator is familiar with the old speech which we used to learn in our school days. It began:

It is natural for youth to indulge in the delusions of hope.

I did indulge in some delusions of hope on Monday as to the length of time required to complete consideration of the bill. I was a little overoptimistic. However, I think we can finish it tomorrow. I think it is almost the universal desire of Members, regardless of their position on the bill, to finish it tomorrow; and if I cannot obtain an agreement—and it seems that I cannot—I intend to ask the Senate to meet at 11 o'clock tomorrow.

Mr. RUSSELL. Mr. President, I have no objection to that course. I hope tomorrow will see the conclusion of the debate and a vote on the pending bill, because certainly delay in the consideration of the agricultural appropriation bill is not calculated to enhance the chances of final adoption of the important Senate amendments to that measure.

Mr. REYNOLDS. Mr. President, I suggest to our able leader that we meet every morning at 10 o'clock and remain in session until 12 o'clock midnight. That would give every Senator sufficient time in which to discuss the various features of the bill.

Before we recess, I should like the opportunity to submit a few remarks for the benefit of the RECORD.

Mr. SMITH. When?

Mr. REYNOLDS. Now. I dislike to detain Senators. I know they are all tired; and, so far as I am concerned, they may proceed to their respective offices. I wish to put into the RECORD some remarks on what I consider a very important matter, in view of the fact that one of the most able men in the Government service has been charged with some things which he denies. I refer to Mr. J. Edgar Hoover. I should like to submit my remarks before the Senate adjourns, for I am afraid I shall not have an opportunity tomorrow.

Mr. BARKLEY. Mr. President, it is entirely agreeable to me for the Senator to do that.

Mr. REYNOLDS. I thank our leader, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

J. EDGAR HOOVER

Mr. REYNOLDS. Mr. President, during the past few days I have read and have heard attacks upon an organization which I have greatly admired for a number of years, and which I believe has served the country splendidly in a time of stress. I cannot forget the self-sacrificing, patriotic battles of these men with desperate criminals of all kinds and types. They smashed a country-wide kidnaping ring. They have placed behind bars enemies of society who threatened the safety of law-abiding, peaceful citizens in all parts of the country. We are not going to forget all these benefits which have been rendered by these men, and to quibble in a fashion that at least might be termed ungrateful as to whether they have observed all of the rules prescribed by those whose concern appears to be more with the rights of criminals than with the protection of our citizens.

These criticisms have gone so far as even to intimate and, in some cases, definitely state that the representatives of the Federal Bureau of Investigation have extended their activities to spying upon Members of Congress. I am informed upon the best possible authority that this is untrue. As indicating the plain, unvarnished facts, I desire to read a statement issued yesterday by J. Edgar Hoover, Director of the Federal Bureau of Investigation, through the office of the Attorney General of the United States, which I hope will conclusively and finally put an end to these statements which have been heard in recent days.

As I have just stated, we have recently heard many rumors and statements in reference to the activities of Mr. Hoover. We have heard some criticisms directed to Mr. Hoover because he happened to be in Florida; and because, while there, he chose the place that suited his desires to reside, criticism even on that point has been heaped upon his shoulders.

If there is any man in the employment of the Government of the United States who really deserves some recreation and relaxation, I think that man is J. Edgar Hoover. I desire to say to you, Mr. President, and to the other Members of this body, that I do not know of a single man within the employ of the entire Federal Government anywhere in this country who, in my opinion, is more honest, more efficient, more courageous, or braver than J. Edgar Hoover. He has thrown the fear of God into the hearts of the criminals of the country. If it had not been for his courage, if it had not been for the fine training he was fortunate in receiving over the years before he was made Director of that Bureau, the country today would be worried as it was for a long, long time by kidnapers and criminals of all sorts throughout the land.

In reference to Mr. Hoover, I have here a statement which was issued on yesterday by the Department of Justice, dated March 13, 1940, reading as follows:

> Recently, statements have been reported in the press and have been made otherwise indicating that representatives of the Federal Bureau of Investigation have indiscriminately tapped the telephones of Members of Congress. This is untrue. At no time has the telephone of any Member of Congress been tapped by any representative of the Federal Bureau of Investigation since I have been Director of the Bureau.
>
> Statements have also appeared to the effect that wire tapping has been used by representatives of the Federal Bureau of Investigation in violation of existing laws. At no time has there been a single instance of any action of this kind on the part of any representative of the Federal Bureau of Investigation since I have been Director of the Bureau.
>
> Further allegations have been made to the effect that representatives of the Federal Bureau of Investigation have tapped wires indiscriminately and in violation of fundamental civil rights. At no time since I have been Director of the Bureau has this been done.
>
> In 1939 I refused to endorse proposed legslation, which had been introduced in Congress, designed to legalize wire-tapping evidence obtained by Federal officers.
>
> The Federal Bureau of Investigation has utilized wire tapping as a method of securing information of investigative value only in extraordinary situations and in an entirely legal manner, where either a human life was at stake or where the activities of persons under investigation were of such an aggravated criminal nature as to justify the use of extraordinary means to detect their activities and cause their apprehension.

Mr. President, that is the statement of Mr. J. Edgar Hoover himself Mr. Hoover absolutely denies that he ever tapped the wires of any Member of Congress, and I assume from his statement that he does not intend ever to do so; but he states that there have been times when he was investigating criminal cases when he felt it necessary for the ends of justice to tap wires, as very frankly mentioned by him.

Mr. President, I know of no other man in the United States who could adequately fill the place that is so ably occupied by Mr. J. Edgar Hoover. This is the time of all others in the history of this country when we need in that position a man of his character, his courage, his ability, and his experience. Particularly will we be convinced of that fact when we recall that prior to the declaration of war in Europe on September 3 the Bureau of Investigation of the Department of Justice received on an average only 250 complaints of espionage and sabotage annually, whereas since then Mr. Hoover's Bureau, with its limited force of law-enforcement officers, now receives on an average 250 such complaints daily. In other words, his Bureau of the Government now receives as many complaints of sabotage and espionage every day as it did every year prior to the declaration of war in Europe on September 3. Despite the fact that his Bureau has been flooded with thousands upon thousands of these complaints, I dare say that Bureau and the Department of Justice have carried on better under this condition than any other department of the Government. Not once have we heard J. Edgar Hoover or any man connected with his Bureau really complain in reference to anything.

I think the American people owe J. Edgar Hoover a vote of thanks for that which he has accomplished in this country in the protection of the American people, and I say again that of all times in the history of our Nation we were never more in need of a man of his character, ability, courage, and experience than now, as we realize when we recall that last year there was issued by the Attorney General of the United States a statement in pamphlet form in which he said that crime today costs the American taxpayers $17,000,000,000 annually, and when we recall that the same report included a statement to the effect, according to my recollection, that there are

today in this country more than 4,500,000 people engaged in the commission of crime. To me that statement is an appalling one, for, according to that report, there are today more people engaged in the commission of crime in this country than were in our uniform and under arms at the time of the armistice, on November 11, 1918.

Mr. President, this afternoon as I sat in this Chamber I was reading a copy of the Washington Daily News, and I noted an article entitled "Getting Results," by Mr. Raymond Clapper. I read the first paragraph:

There is one thing that you can't take away from J. Edgar Hoover, Chief of the F. B. I. Since the Lindbergh antikidnaping law was passed there have been, at a recent count, 163 kidnapings. All except 2 of these have been solved.

I became interested when I read that, because I recalled that I had observed in the columns of the local press statements which had been made in reference to the activities of the members of the F. B. I. I then read the balance of the article from the pen of Mr. Clapper, and I wish to read it to those of my colleagues who are interested in law enforcement in this country, because I believe the American people are vitally interested in that subject, and I believe I can say unhesitatingly that the great majority of the American people are 100 percent behind J. Edgar Hoover, because they believe that he is not permitting politics of any sort to interfere with the activities of his Bureau, and they commend him for that.

Insofar as the Hatch bill is concerned, we do not have to extend the law to the Federal Bureau of Investigation, because, so far as I have been able to learn, there is no politics there. Those fellows are busy night and day, looking after the interests of the American people and endeavoring, as best they can, to stamp out crime and to protect the homes of the fathers and the mothers of this country.

Mr. Clapper's article continues:

There are a good many people in Washington who don't like Mr. Hoover. Around the Justice Department he is considered high-handed and difficult to work with.

I have never heard anyone say that he did not like Mr. Hoover. There are naturally a great many people who are envious of Mr. Hoover, because he is a young man, he is a fine-looking man, he has an active mind, and has performed good service. It is true that he is getting an unusually large amount of beneficial publicity through the magazines and the newspapers of the country, but it is well that he does, and I hope that he will write more articles to be read by the youth of our land, because in every one he cites proofs to them that crime does not pay. I do not know of any man in this country who is serving as a greater inspiration to the youth of our land than is J. Edgar Hoover.

Mr. Clapper proceeds:

Around the Justice Department he is considered high-handed and difficult to work with.

There are times when any man who is thoroughly efficient is somewhat difficult to work with. It may be that Mr. Hoover has his mind always on his business, and has no time to discuss anything that is not considered by him directly connected with the business of his bureau.

Mr. Clapper continues:

Recently he had a run-in with the Civil Service Commission—wanted to pick his own men. His men have done good work and that is the main purpose of hiring them, so there isn't much point in being too excited about that.

I quite readily agree with Mr. Clapper. With the organization Mr. Hoover has built up, with the fine reputation he has obtained for that organization, I think he should be entitled to pick men whom he knows, because he is experienced in the enforcement of the laws, and he knows the type of men who must be engaged in this most dangerous work.

The article continues:

God knows the Government has enough inefficiency in it—

I agree with Mr. Clapper.

God knows the Government has enough inefficiency in it, chair warmers, time killers. Mr. Hoover has never been accused of inefficiency, and when you have a bureau that is getting results there ought to be some prejudice in its favor.

It is said Mr. Hoover is a publicity hunter. Well, you'd have to fire a lot of people in Washington if that is going to be a crime.

That is certainly true.

Furthermore, in the kind of work the F. B. I. is doing it doesn't do any harm for the word to spread around the underworld that the G-men are good.

Mr. President, I say the more publicity that is given to the courage and the efficiency of the G-men the better it will be for the Department of Justice and the Bureau of Investigation, and the more protection, as a matter of fact, will the American people have against the activities of these criminals.

The chances are that the enormous publicity which the F. B. I. has received has been a real crime preventive.

That, I think, is true.

Mr. Hoover irritated the press in Miami recently because he would not give interviews and have his picture taken. He was panned there because he ducked publicity.

As to how much he worked at Miami, I don't know. He was taking some vacation and he had some agents there looking over the racketeers who infest Florida during the winter season. He didn't make any real catch there. Whether he picked up any good leads may be something else.

Of course, we do not know about that. Perhaps he was working upon something of which we have not been advised.

Mr. Clapper continues:

The Detroit cases, involving apparent denial of civil rights to persons arrested for having helped the Spanish Loyalist cause, don't look very good. Mr. Hoover says that in making the arrests he only carried out the orders of Frank Murphy, then Attorney General, and that the treatment of the prisoners while in jail was in the hands of local authorities, not the F. B. I.

In respect to that, the Attorney General of the United States at that time was Mr. Frank Murphy, and it is alleged that Mr. Murphy, the Attorney General, instructed Mr. Hoover to proceed as he did, and in view of the fact that the Attorney General is the head of the department of the Government under which Mr. Hoover works, I do not think Mr. J. Edgar Hoover should be blamed, but that we should ask the then Attorney General of the United States as to whether or not he directed that action. That would soon settle the question.

The article continues:

He may have something to explain there, and whether he can explain it to his own credit remains to be seen.

According to my view of this, he has nothing to explain. It is up to Mr. Murphy, who was then Attorney General of the United States. If an explanation is to come, the explanation should come from him, and not from Mr. Hoover, because I assume he was working under the direction of the then Attorney General, as today he is working under the direction of the present Attorney General. The article concludes:

The other big complaint here now is that the F. B. I. is tapping wires all over the place, collecting dossiers on politicians and officials, as well as on private citizens, and serving as an Ogpu. Those charges ought to be investigated. Sometimes people think they are being spied on when there is nothing following them except a guilty conscience. But it is difficult for a victim to know whether his wires have been tapped, his desk rifled, and his papers photostated. There are enough rumors of this sort to warrant Congress getting at the facts.

A moment ago I read to the Members of the Senate a positive statement made by Mr. Hoover to the effect that he has never tapped any wires of the Members of Congress, and I assume he never intends to do so, but as I stated a moment ago, I was frankly advised by way of that interview or release to the press, that there have been occasions when it was necessary for him to tap wires when he was dealing with criminals.

Concluding, Mr. Clapper said:

Although Mr. Murphy, when Attorney General, had a slight touch of red-hunting fever after the European war broke out, there has been no visible evidence that the country is being subjected to Ogpu espionage at the hands of the Hoover men.

Some 200 volunteer complaints of espionage activity come into the hands of F. B. I. agents every day. Much of this is junk and is disregarded. Thus far there is no evidence of persecution as a result of such complaints. The F. B. I. has squelched the volunteer

vigilantes who wanted to take spy hunting into their own hands. I don't think many people are going around feeling that they have to look over their shoulders.

The concluding paragraph reads:

When you compare Mr. Hoover's regime with that of William J. Burns, he looks like a big improvement. If those in Congress think they have something on him, they ought to have an investigation—and Mr. Hoover ought to insist on it. Such an important law-enforcement agency should not continue under the cloud of accusation that now exists.

Mr. President, after this positive statement by Mr. Hoover that he has never endeavored to tap the wires of Members of Congress, knowing Mr. Hoover as I do, and, as an American citizen, having followed his career with much encouragement and inspiration, I am confident that he certainly would not object to an investigation. Mr. J. Edgar Hoover has always been open and aboveboard, and I believe has proved to the American people that he is a fine law-enforcement officer. Everywhere I have gone I have heard him spoken of most highly.

Now I am very happy to yield to my distinguished and beloved colleague the senior Senator from the great Commonwealth of Arizona.

Mr. ASHURST. Mr. President, I do not feel that there is any special obligation resting upon me to become the champion of any department of the Government or any official in the Government. It is a task distasteful to me to be looked upon as the particular champion of any man or any agency of Government, and what I am going to say, Mr. President, is said because I think it would be a species of cowardice, certainly of timidity, if I did not speak upon this occasion.

First, I agree with the speech of the able Senator from North Carolina.

Mr. REYNOLDS. I thank the Senator.

Mr. ASHURST. Now, as to Mr. Hoover. Some hours ago in the Senate I read an article from the Washington Star written by Mr. Frederic William Wile. It was in a manner facetious, but it was true. And if all the officials of this Government abstained from pernicious political activity as truly as Mr. Hoover and the Federal Bureau of Investigation have abstained, there would be no need for the Hatch bill.

The demand for political appointments, the demands for endorsements, come upon a Senator like a flood, and I suppose from a populous State tremendous numbers of demands for place and appointment overwhelm Senators.

It so happens that some years ago I recommended a young Arizonian for an important place in the Federal Bureau of Investigation. I sent a letter of recommendation to the Director of the Federal Bureau of Investigation. The Director, Mr. Hoover, after a careful examination, wrote me that the young man could not meet the tests. I asked for a reexamination. A reexamination of the young gentleman's qualifications was held, and he could not meet the test, and could not obtain the appointment.

Mr. President, so far from arousing any resentment in my breast, that increased my admiration for Mr. Hoover, because I happened to know that if he had been susceptible to what we call political influence he doubtless would have inclined slightly in my favor, if such a thing as a favor could be granted by that Bureau.

I am sure that I never have talked with Mr. Hoover 5 minutes alone in my lifetime. I have never had sip or sup with him. It so happens that our spheres of social activity do not meet. It so happens that I have never had the opportunity or pleasure to engage in any social amenities with him. I have judged him simply, solely, and only by his work, and I think I am familiar with his work—at least I ought to be. And while it would be ridiculous and offensive, and a presumption to say that he has made no mistakes, his mistakes—I am not prepared to characterize them or where they were, if any—are few.

Being a human being, I suppose that he makes a mistake now and then, and not being omniscient, I suppose he misjudges or miscalculates some events. But if I were called upon today, here and now, to name a man in all the width and breadth of this country, who can do the work of the F. B. I. as efficiently, honorably, capably, and as fearlessly as Mr. Hoover, I would not know whom to name.

I have said these things because I believe it is my duty to say them.

We must remember that we have invited to our shores in bygone years all kinds of persons. We invited to our shore practically all races, and I am making no invidious distinctions among races. We are a polyglot people. Moreover, I ought to be frank enough to say that these various races have made their contribution to the building up of America. Wisely we are now preventing and have been for some years preventing the immigration hither of any more persons, not because we are offensive in our attitude toward other races, but because we cannot absorb them. We are no longer the melting pot, because the metal does not melt. But many of those persons whom we invited here, forgetful of the hospitality extended to them by this generous Government, forgetful of the fact that the badge of American citizenship is a greater privilege than any other civil privilege known to man—many of these persons from foreign countries have been engaged in trying to undermine and overthrow the very Government which invited them hither and which gave them an opportunity side by side with the native-born.

As soon as Mr. Hoover or any of his G-men arrest a so-called gangster who has kidnaped some person, some child, probably tortured the child, and tortured the mother and the father worse by the terrible suspense, and the gangster is brought into court, the first thing the gangster does—and he has the right to do it—is to say, "I appeal to the Constitution. You must try me and punish me constitutionally. Aye, sir," says the gangster, "the very thing—the Constitution—that I tried to undermine and overthrow, the very thing I worked sedulously to destroy, is now the thing to which I appeal for my liberty in my day of trouble."

How paradoxical! The very instrument the Communist, the gangster, the saboteur seeks to overthrow is the first thing to which he appeals—and properly appeals—in his day of trouble. He appeals confidently to the Constitution to protect him.

I know of no man who has been deprived of his liberties contrary to our Constitution and our laws; of no instance in which any citizen has been oppressed by Mr. Hoover's bureau. If any Senator knows of such a case, it should be laid before us.

Mr. President, in speaking of the gangster, the saboteur, and the Communist appealing to the very Constitution he sought to overthrow, years ago a great orator spoke along this line—I have even forgotten the orator's name, but he said, in substance:

If all the men in America who have suffered the death penalty for a violation of the laws of the United States could be resurrected at the foot of the gallows and were charged with the function of forming a government, they would form exactly the same sort and kind of government as the one under whose justice they fell.

What greater tribute could be paid to our institutions? Could all the men who have been executed under our laws be resurrected and brought together and told to form a government for their own good, they would form exactly the same sort of government as the one under whose justice they fell.

Mr. President, surely some mistakes have been made in the activities of the F. B. I. In a company of sensible men no one would pretend that there have not been a few mistakes. Doubtless Mr. Hoover has made some. Doubtless if he displays any activity at all he will make some more but I am bound in justice to say that the result of his work is wholesome. I do not say it because of any political, social, or fraternal feeling toward Mr. Hoover. I have never had sip or sup with him. I have never partaken of the social or polite amenities of life with him. I probably have spent 5 minutes alone with him, and I have forgotten the subject of that conversation. I have never discussed political appointments or political affairs with him.

Judging him by his results and by his work, I find the results to be good and wholesome. If a considerable number of persons think there should be an investigation of the F. B. I., I shall vote for it, because I want the truth to be known. If anything has been done that is untoward and improper, I wish to know it, and if the Senate is to have an investigation the only thing I ask is that I shall not be included as a member of the committee to conduct the investigation. I have no right to speak for Mr. Hoover or the Department of Justice in the matter, but surely they would not and should not take the position that there should be no investigation.

Mr. President, I repeat, the last attitude I wish to adopt is one of apology for or championship of any particular branch of government. Each branch must stand on its own merits. The F. B. I. must stand or fall by its own activity and its own integrity. I shall vote for an investigation if any considerable number of Senators wish it. I believe the investigation would show that there has been no corruption, no untoward thing, no unconstitutional act committed. Senators will be amazed at the fertillity of intellect and the ingenuity of the trained men of the F. B. I. in following the criminal.

To be a G-man requires adaptation, inductive and accurate reasoning. A G-man must needs have a phonographic brain and a photographic eye. He must see with accuracy, and see all things, and he must remember with unerring accuracy. He must anticipate in advance what a man would be likely to do in a given set of circumstances. In the nomenclature of crime, he must be able to find the "dropped stitch." The dropped stitch is that inescapable impression, that unavoidable thing, it is the track left by all men who engage in any activity whatsoever.

When one comes to detect criminals or to detect crime, one is hopeless unless one finds the dropped stitch. After one has found the so-called dropped stitch, then one must ascertain who dropped it. Be assured that in every criminal offense there is a dropped stitch, because no man can engage in any activity without making some inescapable, unavoidable impression.

The G-men are particularly trained. A man might be a very great lawyer, a very great orator, a great physician, or a great physicist. He might understand physics; he might be a scientist; he might be all these things rolled into one, and yet not make a successful so-called G-man. A G-man must be silent. He must know just what he can say and what he may not say.

Mr. President, I hesitate in this dignified body to adopt the nomenclature of the poker table in any serious argument. In England they have adopted the nomenclature of the ocean. We adopt the nomenclature of the poker table in our affairs. So, I say the G-man, in dealing with criminals, must know when to run a bluff and when not to do so. I know of no business or profession which calls for the exercise of more mental alertness, more inductive reasoning, and more accurate thinking, more courage and true capacity of brain and heart, or a greater degree of honesty, than that of the G-man.

Mr. President, the ordinary G-man could become comfortably rich in one case if he were corrupt; but it is to the honor of the F. B. I. that thus far, so far as I know, among 1,600 men in the F. B. I. not one is accused of soiling his palm with a doubtful penny. Does the Senator know of any such case?

Mr. REYNOLDS. I have never heard of a single case.

Mr. ASHURST. Of course, Mr. President, I realize that that does not mean that there are no bad men in the F. B. I. Lord Macaulay said that it is not possible to assemble 40 men without having one defective man.

I wish to raise the ante a little—again I resort to the nomenclature of the poker table. I shall raise the ante a little and say that it is impossible to assemble 100 men without having at least 1 man who might be subject to weakness. So if All Omniscient Wisdom had a doubting Thomas, a denying Peter, and a bribe-taking Judas in His apostolic cabinet, it is useless and in vain for mortals to believe that we can assemble 1,600 men and have no doubter and no denier.

Mr. President, some days ago when this matter came up I had intended to make a short address. I gathered a few data, but I do not think I need to ask leave to print these data. Suffice it to say that all the expenditures of the F. B. I. and all the moneys used by Mr. Hoover and the F. B. I. are under the direct supervision of the Attorney General. Mr. Hoover has no authority on his own account to draw money out of the Treasury to use for rewards or other purposes. He must obtain his authority from the Attorney General of the United States. If I correctly understand the law—and I think I do—any voucher which purports to draw money from the Treasury for the benefit of the expense accounts of the F. B. I. must be submitted to the Attorney General and receive his individual approval.

I now feel that I have discharged my duty. If any investigation should show that untoward and improper things have taken place in the F. B. I., I do not feel that I would be called upon to make any apology because I have told my tale as I understand it. I have given the Senate and the country, I hope, the facts as they have appeared to me, and it has been my particular business to be required to become more or less familiar with the activities of the Department of Justice.

Mr. President, nobody is going to make any direct assault upon the Bill of Rights. Nobody is going to make any direct assault upon the Constitution of the United States. Such things are not done in that way. Such assaults will be made upon the agencies of Government. Unsocial persons will make their assaults upon the agencies of Government that are protecting the liberty and the lives and the safety of the people.

Some years ago I introduced a bill which proposed to make it a crime for anyone to offer a reward or pay a reward for the return of a kidnaped person. After giving my own bill a year of consideration, I came to the conclusion that even if I could secure the enactment of the bill such a law would be a futility. No jury in America would convict any mother or any father for redeeming their child, so I abandoned my own bill. I did not talk with Mr. Hoover about the matter, but I sent the bill to him for his report. I asked a Senator who is not now present to talk to Mr. Hoover, and Mr. Hoover sent back word that he was against my bill because, if such a measure should become a law, it would deprive him of one of his most fertile and certain avenues of apprehension of criminals, so I abandoned my own bill. I may have made a mistake, but my purpose was good. Doubtless Mr. Hoover, in his F. B. I., like other officials, while having a good purpose in something, may at times make mistakes.

I say again, if any resolution is offered proposing an investigation, I am going to vote for it.

I thank the Senator.

Mr. REYNOLDS. I thank the Senator very much for his fine contribution and his generous compliment to Mr. Hoover.

Mr. ASHURST. Will the Senator just let me say that my compliment is to Mr. Hoover's activities?

Mr. REYNOLDS. I mean his activities.

Mr. ASHURST. His work.

Mr. REYNOLDS. In view of the fact that the Senator has qualified his statement, I may add that my personal acquaintanceship with Mr. Hoover is very limited. In the years that I have been in Washington I do not believe I have ever talked with Mr. Hoover more than three times. I am going very frankly to state to the Senator that we are all subject to flattery, and we are all grateful for any little act of courtesy that is shown us.

Mr. ASHURST. Let me say to the Senator that flattery is the only commodity on earth of which the supply can never equal the demand.

Mr. REYNOLDS. I think the Senator is quite correct about that. I was about to say that I recall that several years ago Mr. Hoover invited me to deliver a commencement address at the graduating exercises of the Department of Justice police school. Of course I immensely appreciated that compliment, as the Senator from Arizona would have done, or anybody else for that matter; but I barely know Mr. Hoover.

I have never had a meal with him. Like the Senator from Arizona, I have never spent 5 minutes of my life with him, and my correspondence with him has been very limited; but I repeat that I have admired the man very much, because I think as a matter of fact he is the idol of the American youth.

I recently read either an extract from an address Mr. Hoover delivered or an article he wrote in reference to the Boy Scouts; and everywhere I go the youngsters ask me, "Do you know Mr. J. Edgar Hoover?" He is very much admired by the youngsters of the country, as well as by the parents of the country, because he is always fighting and preaching and talking clean living for the youth of the country.

This subject is not one in which I am personally interested. I have noted something in the columns of the press and have heard something said about Mr. Hoover's having tapped some wires. I secured for myself a copy of a press release which was issued by him on yesterday, and this afternoon I took advantage of the opportunity to read his denial to the Members of the Senate.

Again I want to thank the able Senator from Arizona very much for his very nice compliment to the Bureau of Investigation, and his contribution to this discussion.

CAMP BUCHANAN, PUERTO RICO

Mr. President, in view of the fact that the time now is available for a brief mention of another subject, let me say that I see in the Chamber the very distinguished chairman of the Committee on Military Affairs, the Senator from Texas, Hon. MORRIS SHEPPARD, who so ably represents all the people of the Lone Star State. So long as he and his colleague the Senator from Texas, Hon. TOM CONNALLY, continue to represent that State, I know it will be well represented, and all the people will be looked after in an admirable manner. Having noted the presence of the Senator, I remind him that I have before me a letter which I procured from him this afternoon.

Mr. SHEPPARD. Mr. President, I thank the Senator for his kind compliment.

Mr. REYNOLDS. The Senator is perfectly welcome. I am always happy to have the opportunity of speaking kindly of the Senator from Texas, because when I make remarks of that sort with regard to him I really do not have to draw upon my imagination. I will say that the Senator himself is for me a fountain of inspiration.

I have here a copy of a letter which a man by the name of B. N. Wende, of Bridgeport, W. Va., addressed to the editor of the Herald Tribune, New York City, on February 20, 1940, relating to the proposed change of name of a camp at San Juan, the capital of Puerto Rico. The present name of the camp there is Camp Buchanan. It has been suggested that the name be changed to Fort Miles. It is my recollection that General Miles has been honored on many occasions by having various barracks and other military spots named after him; but I see no reason for taking away from that camp the name of Buchanan, which it has had for many, many years.

At this juncture I ask leave to have this letter printed in the RECORD as a part and portion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

BRIDGEPORT, W. VA.,
February 20, 1940.

EDITOR OF THE HERALD TRIBUNE,
New York City.

DEAR SIR: It seems rather ridiculous that General Dailey, the commanding officer in Puerto Rico, recommended that Camp Buchanan should be changed to Fort Miles. It has been suggested that General Dailey (and I trust it is not so) made the recommendation on the belief that Camp Buchanan was named after President Buchanan, who, of course, had no intimate connection with the island of Puerto Rico. However, the late General Buchanan was more actively connected with the military establishment in Puerto Rico than Gen. Nelson A. Miles who did command the First Expeditionary Force to Puerto Rico in the Spanish-American War.

There are many monuments to the memory of General Miles outside of the camp in Puerto Rico. I know of no memorial for that distinguished officer, General Buchanan, and I think that some public-spirited Americans who are interested in Puerto Rico and also interested in the military history of the United States should see that Camp Buchanan be allowed to continue under the name "Camp Buchanan," as it has been for over 20 years.

Yours very truly,

B. N. WENDE.

REGISTRATION OF ALIENS

Mr. REYNOLDS. Mr. President, I have before me a press notice which I clipped from one of the newspapers in regard to a bill for the registration of aliens. I feel at liberty to take the time now to refer to it, because I cannot be accused of holding up the Hatch bill; but I want to bring this subject to the attention of the readers of the RECORD and to the attention of those who happen to be here at this late hour. There are times when we have to take advantage of these occasions.

This is a clipping from one of the newspapers, entitled "Jersey Bill Asks Aliens Register."

The article is dated Trenton, N. J., January 12, and reads as follows:

Designed as a safeguard against possible wartime sabotage, a revised measure now before the New Jersey State Senate would require all aliens in the State to register with the police.

I bring up this matter at this particular time in view of the fact that a moment ago I took occasion to mention the great number of complaints of sabotage and espionage which are now being filed with the Bureau of Investigation.

The article continues:

The measure, sponsored by Gov. A. Harry Moore's emergency committee, was introduced in the name of Senate President Arthur F. Foran, of Hunterdon.

It would require all aliens in the State over the age of 18 to register annually with either State or local police. Failure to do so would be a misdemeanor, subject to $100 fine or a jail sentence of 60 days.

Between 150,000 and 200,000 persons in New Jersey would be affected.

Being very much interested in this matter, a day or so thereafter I directed a letter to Governor Moore, a former Member of this body, asking that he provide me with a printed copy of the bill referred to in the article. Yesterday he sent me a copy of the bill, which is senate bill No. 2, introduced by Mr. Scott, and referred to the committee on judiciary.

Mr. President, I have read this bill, and since we have been discussing sabotage and espionage, I ask that it be published in the RECORD as a part of my remarks, with the particular idea in mind that bringing this to the attention of the Members of the Senate will probably impress them with the fact that the people of the country as a whole are demanding legislation of this sort. So thoroughly are they making this demand that they are attempting, in many instances, in the Commonwealths to bring about the enactment of laws requiring the registration and fingerprinting of aliens.

I thank our able leader very much for being good enough to afford an opportunity to make these observations.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Senate, No. 2

An act requiring aliens to register with the State bureau of identification; the issuing of identification card; the protection of New Jersey citizens against undesirable aliens entering the State in violation of the United States immigration law; to enforce more successfully the State's criminal law; to maintain a record of vital statistics; to cooperate with the United States Government in the enforcement of the immigration laws; prescribing penalties, and to establish a bureau of alien registration within the State bureau of identification, supplementing article 2 of chapter 1 of title 53, of the revised statutes

Be it enacted by the Senate and General Assembly of the State of New Jersey:

1. Immediately upon the passage of this act, and each year thereafter, every alien 18 years of age or over residing in this State shall register with the chief of police of the municipality in which the alien resides, and if there be no chief of police then at the nearest station of the State police, on forms to be prescribed and furnished by the State bureau of identification, and every such alien becoming a resident of this State after the first day of January 1940, shall in like manner register with the chief of police of his or her municipality within 30 days after becoming such

resident. Such registration form shall show the name, age, address, occupation, name of employer, characteristics of appearance, fingerprints, suitable photographs provided by applicant, name of wife, or husband, if any, of such alien, names and ages of all children under 18 years of age residing with him or her and, if not his or her own the names of their parents and date and port of entry into the United States, and such other information and details as the supervisor of the State bureau of identification shall direct.

2. The form of such register shall be prepared by the supervisor of the State bureau of identification and by him transmitted to the chief of police of every municipality in the State. The chief of police of each municipality shall cause each and every alien enumerated under section 1 of this act, residing in his municipality, to be registered upon the form prescribed. The form of registration shall be executed in 4 copies; 1 copy being retained by the chief of police or other police officer for their files; 3 copies shall be forwarded to central file of the State bureau of identification, who will forward 1 copy to the commissioner of labor, and 1 copy to the Federal Bureau of Investigation at Washington, D. C.

3. For each original registration and for each annual registration thereafter the person registered shall pay to the chief of police or other police officer conducting the registration a registration fee of $1 and shall receive an alien identification card.

4. The supervisor of the State bureau of identification and each chief of police shall classify such registrations in such manner as shall best serve the purpose of ready reference. All such records shall be retained for a period of at least 10 years. The supervisor of the State Bureau of Identification shall have power to make and enforce rules and regulations to carry into effect and enforce the provisions of this act.

5. The supervisor of the State bureau of identification shall establish a bureau of alien registration in the State bureau of identification with such other assistants and employees as the supervisor may deem desirable.

6. Every alien over the age of 18 who fails to register as provided in this act within any of the periods required hereby shall be guilty of a misdemeanor and upon conviction be punished by a fine of not more than $100 or by imprisonment of not more than 60 days or both.

7. A complaint, in writing and duly verified having been made to a magistrate, or other court of competent jurisdiction, that a person has violated a provision of this act, the magistrate, or judicial officer of such court may issue either a summons or warrant directed to a constable, police officer, peace officer, or an agent of the department of labor for the appearance or arrest of the person so charged. The complaint and process shall state what section or provision of this act has been violated by the defendant, and the time, place, and nature of the violation. Upon return of the summons or warrant or at the time to which the hearing has been adjourned as hereinafter authorized, the magistrate, or judicial officer, shall proceed summarily to hear and determine the innocence or guilt of the defendant, and upon conviction may impose the penalty prescribed by this act, together with the costs of prosecution for the offense. A complaint may be made to a magistrate, or other court of competent jurisdiction, for a violation of this act at any time within 2 years after the commission of the offense.

8. All proceedings for the violation of this act shall be entitled and run in the name of the State, with an agent of the department of labor, police officer, peace officer, constable, or any other person who by complaint institutes the proceedings as prosecutor. A magistrate or judicial officer may, in his discretion, refuse to issue a warrant on the complaint of a person other than an agent of the department of labor or a police officer, until a sufficient bond to secure costs has been executed and delivered to the magistrate or judicial officer.

9. Any constable, police officer, peace officer, or agent of the department of labor may serve upon him a summons, in the name of any magistrate's court, or other court of competent jurisdiction, in the county or municipality wherein such officer is authorized to discharge his duties, directing the person so summoned to appear and answer such charges as may be preferred against him, for which purpose the county or municipal clerks, respectively, shall provide such officers with a form of summons, which, when filled out, executed, and issued by any such officer, shall be good and effectual according to the purpose and intent thereof.

10. In the prosecution instituted under this act the complaint filed therein, if made by a constable, police officer, peace officer, or agent of the department of labor, will be considered duly verified if made under his oath or affirmation, which oath or affirmation may be made by the official upon information and belief.

11. A hearing to be held pursuant to this act may, on the request of either party, in the discretion of the magistrate or judicial officer or any court of competent jurisdiction, be adjourned for a period not exceeding 30 days from the return day named in a summons or warrant or from the date of an arrest without warrant, as the case may be. In such case the magistrate or judicial officer shall detain the defendant in safe custody, unless he makes a cash deposit or enters into a bond to the State, with at least one sufficient surety, or himself qualifies in real-estate security situate in this State in twice the amount fixed by the magistrate for the bond with a surety, to or in an amount not exceeding $5,000 conditioned for his appearance on the day to which the hearing may be adjourned, or until the case is disposed of.

12. A summons or warrant issued by a magistrate or other court of competent jurisdiction under this act shall be valid throughout the State. An officer who may serve the summons or warrant and make arrest on the warrant in the county in which it is issued may also serve the summons or warrant and make arrest on the warrant in any county of the State. If a person is arrested for a violation committed in a county other than that in which the arrest takes place he may demand to be taken before a magistrate or other court of competent jurisdiction of the county in which the arrest is made for the purpose of making a cash deposit or entering into a recognizance with sufficient surety. The officer serving the warrant shall thereupon take the person so apprehended before a magistrate or other court of competent jurisdiction, of the county in which the arrest has been made, who shall thereupon fix a day for the matter to be heard before the magistrate, or other judicial officer, issuing the warrant, and shall take from the person apprehended a cash deposit or recognizance to the State, with sufficient surety, for his appearance at the time and place designated in accordance with this act. The cash deposit or recognizance so taken shall be returned to the magistrate, or other judicial officer, issuing the warrant to be retained and disposed of by him as provided by this act.

13. All fees, fines, and forfeitures collected under the terms of this act shall be paid to the State treasurer on or before the 10th day of each month, for the preceding month, by the chief of police, other police officer, or magistrate. Twenty-five cents of every alien registration fee received by the treasurer of the State from a chief of police or other police officer shall be returned to the chief of police or other police officer as the cost of maintaining his files. Seventy-five cents of every alien registration fee remitted to the State treasurer shall be placed to the credit of a fund to be known as the registration of aliens fund, which fund shall be used exclusively for the purchase of supplies, equipment, salaries, and other expenses involved in the enforcement of the provisions of this act.

14. If any part or parts of this act shall in any court of competent jurisdiction be declared invalid, void, or unconstitutional, such part or parts shall be rescinded and the remainder of the act shall continue in effect.

15. All acts and parts of acts inconsistent herewith are hereby repealed.

16. This act shall take effect immediately.

HOUR OF MEETING TOMORROW

During the delivery of Mr. REYNOLDS' remarks,

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. REYNOLDS. Certainly.

Mr. BARKLEY. In order that Senators may know what the program is tomorrow, I ask unanimous consent that when the Senate concludes its deliberations today it recess until 11 o'clock a. m. tomorrow.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

After the conclusion of Mr. REYNOLDS' remarks,

EXECUTIVE MESSAGES REFERRED

The PRESIDING OFFICER (Mr. STEWART in the chair), as in executive session, laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

RECESS

Mr. BARKLEY. I move that the Senate take a recess, under the order previously entered.

The motion was agreed to; and (at 5 o'clock and 50 minutes p. m.) the Senate took a recess, the recess being under the order previously entered, until tomorrow, Friday, March 15, 1940, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate March 14 (legislative day March 4), 1940

FARM CREDIT ADMINISTRATION

Carl R. Arnold, of Ohio, to be production credit commissioner.

Roy M. Green, of Kansas, to be land bank commissioner.

UNITED STATES MARSHAL

William M. Lindsay, of Kansas, to be United States marshal for the district of Kansas, vice Lon Warner, removed.

HOUSE OF REPRESENTATIVES

THURSDAY, MARCH 14, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, most merciful and most gracious, amid the tumult of the day enable us to hear Thy calming voice. In a dreary outlook upon a distracted world, crown our minds with unconquerable faith and our hearts with uncrushed hopes. Help us through all waiting hours to deny the claim of every earthly folly and sin, standing erect and freeing ourselves as becometh Thy children and the servants of the state. Inspire us with the mind that receives the expressions of the eternal mind and with the heart that responds to the quivering heart of the Divine. Permit no future to allow an eclipse of our faith nor the splendor of the peace of God, who brought again from the dead the Great Shepherd of the sheep with the blood of an eternal covenant, even our Lord Jesus. Almighty God, we beseech Thee to hew out of earth's prison walls portals of release, until the thundering soul of Christendom finds religious tolerance and political freedom. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

EXTENSION OF REMARKS

Mr. MARTIN J. KENNEDY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a memorial address delivered by former Representative Martin, of Colorado.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two subjects, and to include certain excerpts.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LELAND M. FORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an editorial from the Los Angeles Times on the census, and I also ask unanimous consent to extend my own remarks and include therein a letter from John McFadden, director of public information of the N. Y. A., and excerpts.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BARTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by my colleague, Hon. HAROLD KNUTSON, before the New York Board of Trade.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein excerpts from an article which appeared in the Philadelphia Public Ledger and the New York Herald Tribune in regard to the census.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. THORKELSON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. THORKELSON. Mr. Speaker, on March 4 I spoke in New York on constitutional government and the rights of the people as set forth in the Constitution of the United States. In the mail today I received a book entitled "Choice Is Mine," and appended to the book these two notices, which are a threat on my life:

THORKELSON: There seems to be truth in the saying that "there's no fool like an old fool," at least insofar as you're concerned. McWilliams' dupes have learned not their lesson, but his. Have you learned yours yet? Evidently not—but it's in this story, if you want to know what it's all about before you're called.

Don't forget: This trip may end any second. Have you the courage to face your Maker? Be prepared. Read Choice Is Mine, because next time you may be one of those on the other side.

Mr. Speaker, there is no reply to this, for the writer did not sign his name. We know, however, happenings of the past; and, while messages of this sort may be looked upon as coming from twisted mentalities or cranks, they should not be treated lightly, for it is significant that our own policing departments are lax in their obligated duties.

In reading this book, one can raise no question as to its origin, and I say now that if the Department of Justice and other law-enforcement bodies do not protect their own citizens in the performance of their duties to this Republic, the people themselves must take action and remove the menace which is now threatening our Nation.

FEDERAL SURPLUS COMMODITIES CORPORATION

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include therein part of certain correspondence I have received from the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. COCHRAN. Mr. Speaker, the gentleman from New York [Mr. TABER], a few days ago in the course of a speech was rather critical in referring to the Federal Surplus Commodities Corporation, calling attention to the shipment of several carloads of apples to Bentonville, Ark., for distribution. It appears the vicinity of Bentonville produces a large crop of apples. I felt this was a proper matter for the Committee on Expenditures in the Executive Departments to look into, and I have made some investigation. I now have some correspondence from the Department of Agriculture on the subject. The Secretary of Agriculture fully justifies the shipment of the apples to this territory and also shows practically everybody interested granted their approval.

Mr. Speaker, as part of my remarks I include a portion of the report I received from the Department, including the Secretary's letter. The report follows:

DEPARTMENT OF AGRICULTURE,
Washington, D. C., March 13, 1940.

Hon. JOHN J. COCHRAN,
House of Representatives.

DEAR MR. COCHRAN: On the floor of the House of Representatives, on March 11, Mr. TABER, of New York, called attention to a quotation from the Saturday Evening Post to the effect that the Federal Surplus Commodities Corporation had shipped 3 carloads of Washington relief apples to Bentonville, Ark., where there were already 30 carloads in cold storage for lack of a market. A further statement was made that this was one of many instances of the way money is being wasted by the Federal Surplus Commodities Corporation.

I should like to present the facts both as to the shipment of apples into Bentonville and also as to the action taken by the officers of the Corporation in this instance.

On December 23, 1939, four cars of Idaho apples arrived at Bentonville, Ark., for distribution to eligible persons on relief and for use in connection with free school lunches. The shipment of these apples was made pursuant to a specific request of the

Arkanses Department of Public Welfare. The request was at first refused because of concern on the part of officers of the Corporation over the possibility of interference with local marketing. However, the Corporation was assured that proper authorities within the State were satisfied that no such interference would result. A representative of the Arkansas College of Agriculture also gave his assurance that there would be no conflict with local marketing.

In addition to this, officials of the Federal Surplus Commodities Corporation knew there were no surplus apples in northwest Arkansas, including Benton County, available for purchase for relief and school-lunch distribution. On October 16, 1939, Mr. CLYDE T. ELLIS, Representative from the Third District of Arkansas, had requested the Corporation to conduct an investigation of the apple situation in northwest Arkansas, including Benton County, and within a week thereafter a Federal representative was on the ground and an extension economist was designated by the director of extension of the State of Arkansas to accompany him on a survey. As is the usual procedure in connection with programs for the purchase of agricultural surpluses, in cooperation with county agents, numerous conferences were held with growers throughout the area. In this particular instance the result was that growers reported that they did not wish to sell apples to the Government, as the crop had been very short, and they felt that they could get a satisfactory price commercially. The grower holdings at that time in the 5 cold storages located in northwest Arkansas totaled only 31,000 bushels, as compared with normal holdings of 90,000 to 130,000 bushels.

The article quoted did appear in a Bentonville, Ark., newspaper. The Federal Surplus Commodities Corporation, therefore, again sent a representative into the area to reconcile this report with known facts. In connection with this investigation a meeting was held in Rogers, Ark., on January 5, 1940, which was attended by apple growers, officials of the chamber of commerce, Red Cross, relief agencies, mayors of towns, one State official, and public-spirited businessmen. The situation was thoroughly discussed, and the following resolution unanimously adopted by the interested parties present:

"*Resolved*, That the welfare agency be permitted and instructed to distribute the five carloads of Idaho apples which were recently shipped into Bentonville, to be distributed to relief clients in the five counties comprising this welfare district, and that are now on storage at Bentonville."

There being a limited number of apple growers present at the meeting on January 5, another meeting was held on January 8, at which the president of the Benton County Farm Bureau presided, and which was attended by many other growers, county agents, cold-storage owners, and Farm Bureau officials. It was brought out at that meeting that, instead of 30 carloads in storage in Benton County, as reported by the press, there were less than 16 carloads in all northwest Arkansas; also that none of the growers present cared to offer apples in sale to the Federal Surplus Commodities Corporation, as this would involve regrading.

There are accompanying this letter photostatic copies of seven documents which very forcibly establish the facts in connection with this alleged incompetent handling, as summarized by the mayor of the city of Bentonville in one of the documents:

"I personally contacted every responsible grower and merchant, locally, and did not find one single intelligent criticism over the shipment of these apples into our midst, for release to those upon charity."

Knowing your interest in the work concerning agricultural surpluses being carried on by this Department, I felt sure that you would be glad to know the facts in this particular case.

Sincerely yours,

H. A. WALLACE, *Secretary.*

Enclosures.

GRAHAM ORCHARDS,
Lowell, Ark., January 17, 1940.

Mr. M. A. CLEVENGER,
Washington, D. C.

DEAR MR. CLEVENGER: Had a good day at State meeting. Good program. Everybody in a good humor.

We passed a resolution, unanimously, asking the Surplus Commodities Corporation to ship all they can, of this crop, into our State. The members thought next crop may be different.

Very truly,

E. S. GRAHAM.

CITY OF BENTONVILLE,
Bentonville, Ark., January 15, 1940.

Mr. H. C. ALBIN,
Federal Surplus Commodities Corporation,
Washington, D. C.

DEAR MR. ALBIN: I simply want to tell you how well your Mr. Merritt Clevenger handled the matter of the apples shipped into our community recently and over which some complaint arose.

When Mr. Clevenger got through with the matter I think everyone understood better the working of the Surplus Commodities Corporation and were perfectly satisfied.

I personally contacted every responsible grower and merchant locally and did not find one single intelligent criticism over the shipment of these apples into our midst for release to those upon charity.

Mr. Clevenger handled the matter with intelligence and energy; we appreciate you sending anyone like him to handle such matters.

Yours truly,

D. W. PEEL, Jr., *Mayor.*

CHAMBER OF COMMERCE,
Rogers, Ark., January 27, 1940.

Mr. H. C. ALBIN,
Federal Surplus Commodities Corporation,
1901 D Street NW., Washington, D. C.

DEAR MR. ALBIN: We appreciate very much the way in which the apple question was handled by Mr. Clevenger early this month. The businessmen, welfare officials, and the majority of growers were all satisfied in the final analysis, which is somewhat unusual in many instances.

We appreciate the work that the F. S. C. C. is doing in assisting the grower, and, as a result, furnishing food for the needy.

The ease and speed with which Mr. Clevenger handled the difficult task of straightening out the northwest Arkansas apple situation is highly complimentary to your organization, and we cannot sing too loudly our praises for him.

Yours truly,

CHARLES G. HAYS,
Secretary-Manager.

COOPERATIVE EXTENSION WORK IN AGRICULTURE AND HOME ECONOMICS, STATE OF ARKANSAS,
Bentonville, Ark., January 5, 1940.

Mr. M. A. CLEVENGER,
F. S. C. C. Representative,
Washington, D. C.

DEAR MR. CLEVENGER: As a result of the controversy in this district concerning apples that were sent here from Idaho to distribute to relief clients, a meeting of businessmen, professional men, and apple growers was held at the Harris Hotel, Rogers, Ark., at 10 o'clock this morning.

The following resolution was introduced by E. S. Graham, State representative and apple grower in Benton County:

"*Resolved*, That the welfare agency be permitted and instructed to distribute the five carloads of Idaho apples which were recently shipped here to be distributed to relief clients in the five counties comprising this welfare district, and that are now on storage at Bentonville."

The motion was made and seconded that this resolution be passed as presented by Mr. Graham. The motion was carried by unanimous vote of all men present except representatives of the welfare agency and agricultural extension service of the University of Arkansas, which did not vote because of the fact these men considered this matter to be decided by apple growers, business, and professional men in the affected district.

The following men were present and voted for the resolution: E. S. Graham, apple grower and State representative, Lowell; W. L. Hinton, apple grower, Rogers; M. R. Puryear, apple grower, Bentonville; W. T. Bolin, manager of the cold storage at Bentonville; Earl Harris, member of the board of directors of chamber of commerce, Rogers; E. W. Pate, editor, Rogers Daily News; T. O. C. Murphy, apple grower, Rogers; Craig Jackson, chairman of the public relation committee, chamber of commerce, Rogers; D. W. Peal, Jr., mayor of Bentonville and chairman of the county welfare board; L. A. Harris, vice president of the American National Bank, Rogers; Denver Murray, president of chamber of commerce, Rogers; E. G. Sharp, apple grower, Rogers; S. Casey, manager of the cold storage, Rogers; Charles Foster, Benton County Red Cross chairman, Bentonville; and Charles Hayes, secretary of Rogers Chamber of Commerce.

In addition to the men mentioned in the above paragraph the following men were present but did not cast a vote, either positive or negative: Clifford L. Smith, county agent, Washington County; P. R. Corley, county agent, Benton County; Kermit C. Ross, assistant county agent, Washington County; J. R. Rice, county welfare director, Benton County; Perry Arthur, superintendent of the surplus commodity warehouse, Bentonville; J. H. Pitcock, district area supervisor, surplus commodity, Fort Smith; and yourself.

Mr. J. H. Kirkpatrick, president of the Benton County Farm Bureau, and Mr. H. S. Mobley, president of the Washington County Farm Bureau, could not attend the meeting due to ice-covered roads. As you know, you and I have since contacted these men and after explaining the proposition to them, both have agreed that the logical thing to do would be to distribute the apples that are now in storage at Bentonville. They both expressed their opinion that they could see nothing to arouse criticism of the growers in this section of the State provided such apples were distributed to relief clients only.

I wish further to state that the meeting was very harmonious in that no opposition whatsoever developed to the distribution of the Idaho apples after a clear explanation had been made by you.

Yours very truly,

P. R. CORLEY,
Acting Chairman, County Agent.

BENTON COUNTY FARM BUREAU,
Bentonville, Ark., January 10, 1940.

Hon. CLYDE T. ELLIS,
Congressman, Arkansas Third District,
Washington, D. C.

DEAR CLYDE: Replying to your telegram recently received concerning surplus apples in Benton County. I am pleased to advise that conditions are better than were represented to you. Instead of 68 carloads of apples we found less than 10,000 bushels. We also found that the drought and other climatic conditions cut the grade of apples so severe that it was utterly impossible to meet standards

of the F. S. C. C. Apple growers at a meeting Monday expressed their appreciation of the efforts made to move surplus apples, but decided that they could market their fruit more profitably than through the Corporation.

Thank you on behalf of our growers as well as myself. I am,

Yours very sincerely,

J. H. KIRKPATRICK,
President, Benton County Farm Bureau.

ECONOMY

Mr. RICH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, we heard a good deal at the beginning of this session of Congress from the other end of the Capitol with regard to economy and that they wanted to have an economy committee appointed. It did not happen. The appropriations that have already been passed this year by the House of Representatives amount to $5,480,146,435, and this includes the authorization passed the other day for the Navy. I have noticed that when appropriation bills come back here from the Senate they are padded, they are increased, they are raised; and yet that great body talked about cutting down expenses. Every appropriation bill passed at the last session they increased over the amount that passed the House of Representatives. Why? Let us see them do something about cutting down appropriations rather than increasing them all very considerably. Including the authorization for the Navy, we have appropriated already just about as much money as we received last year in taxes, which amounted to $5,667,823,625.59, and we must be careful from now on what we do in our appropriations. I predict that before this Congress adjourns it will be a squandering Congress instead of a conservative body. You still have to pass appropriations for relief, appropriations for the Army, appropriations for the District of Columbia, and other important appropriation bills. All you do is appropriate. I again ask you the great question, Where are you going to get the money?

[Here the gavel fell.]

CONTESTED ELECTION CASE—SCOTT AGAINST EATON

Mr. GAVAGAN. Mr. Speaker, by direction of the Committee on Elections No. 2, I submit a report on the contested-election case of Byron N. Scott, contestant, against Thomas M. Eaton, contestee, from the Eighteenth District of California.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House Resolution 427

Resolved, That Byron N. Scott was not elected a Member from the Eighteenth Congressional District of the State of California to the House of Representatives at the general election held November 8, 1938; and

Resolved, That Thomas M. Eaton was elected a Member from the Eighteenth Congressional District of the State of California to the House of Representatives at the general election held on November 8, 1938.

The SPEAKER. The resolution, together with the report, will be referred to the House Calendar and ordered to be printed.

COMMITTEE ON PATENTS

Mr. KRAMER. Mr. Speaker, I ask unanimous consent that the Committee on Patents may be permitted to sit during the session of the House today.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

EXTENSION OF REMARKS

Mr. LARRABEE asked and was given permission to extend his own remarks in the RECORD.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a short article appearing in the Sunday Oregonian on Oregon Bankers Top Nation in Farm Activities.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. MARTIN of Iowa. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein two letters from a constituent on the farm problem.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. CLEVENGER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein three tables compiled from records of the Department of Agriculture.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. THILL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a short news article.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENSION OF REMARKS

Mr. FERNANDEZ. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by including an editorial from the New Orleans States on sugar.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES—LAWS ENACTED BY NATIONAL ASSEMBLY OF THE PHILIPPINE ISLANDS

The SPEAKER laid before the House the following message from the President, which was read and referred to the Committee on Insular Affairs.

To the Congress of the United States:

As required by section 2 (a) (11) of the act of Congress approved March 24, 1934, entitled "An act to provide for the complete independence of the Philippine Islands, to provide for the adoption of a constitution and a form of government for the Philippine Islands, and for other purposes," I transmit copies of laws enacted by the National Assembly of the Philippine Islands. Included are laws of the first national assembly, third session, January 24, 1938, to May 19, 1938; and of the second national assembly, first session, January 23, 1939, to May 18, 1939; first special session, August 15, 1939, to September 18, 1939; and second special session, September 25, 1939, to September 29, 1939.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, *March 14, 1940.*

TREASURY AND POST OFFICE DEPARTMENTS APPROPRIATION BILL, 1941

Mr. LUDLOW. Mr. Speaker, I call up conference report on the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 7, and 12.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 9, 11, 13, 14, 16, 17, and 18, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the sum named in such amendment, insert "$3,000,000"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$1,750,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: Omit the matter stricken out and the matter inserted by such amendment, and on page 51 of the bill, commencing with the colon (:) in line 14, strike out the remainder of the line and line 15 and line 16 to and including the word "to"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment, as follows: In lieu of the sum proposed, insert "$9,975,000"; and the Senate agree to the same.

LOUIS LUDLOW,
EMMET O'NEAL,
GEO. W. JOHNSON,
GEORGE MAHON,
JOHN TABER,
CLARENCE J. MCLEOD,
FRANK B. KEEFE,
Managers on the part of the House.

CARTER GLASS,
KENNETH MCKELLAR,
PAT MCCARRAN,
J. E. MILLER,
H. C. LODGE, JR.
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 8068) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1941, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Treasury Department

On No. 1: Makes a technical correction in the text of the appropriation for the United States Processing Tax Board of Review.

On Nos. 2, 3, 4, 5, 6, 7, and 8, relating to the Coast Guard: Restores the provision of the House bill, stricken out by the Senate, making $100,000 available for the Coast Guard station authorized by the act of June 29, 1936; makes $8,000 of the appropriation for aids to navigation available for buoys and lights on the American side of the international waters of the Lake of the Woods and Rainy Lake, as proposed by the Senate; inserts the clarifying language proposed by the Senate in connection with the designation of items for the "A" and "B" budgets.

On No. 9: Appropriates $688,973, as proposed by the Senate, instead of $628,470, as proposed by the House, for salaries and expenses of the Procurement Division.

On No. 10: Makes $3,000,000 of the appropriation for strategic and critical materials immediately available instead of $5,000,000, as proposed by the Senate.

Post Office Department

On No. 11: Appropriates $587,600, as proposed by the Senate, instead of $585,000, as proposed by the House, for salaries for the office of the Second Assistant Postmaster General.

On No. 12: Appropriates $111,300, as proposed by the House, instead of $119,320, as proposed by the Senate, for salaries in the office of the Solicitor of the Post Office Department.

On No. 13: Appropriates $114,120, as proposed by the Senate, instead of $111,240, as proposed by the House, for salaries in the Bureau of Accounts.

On No. 14: Makes a technical correction in the text of the appropriation for contingent expenses of the Department.

On No. 15: Appropriates $1,750,000, instead of $1,700,000, as proposed by the House, and $1,800,000, as proposed by the Senate, for miscellaneous items at first- and second-class post offices.

On No. 16: Appropriates $16,074,149, as proposed by the Senate, instead of $15,674,149, as proposed by the House, for foreign air-mail transportation.

On No. 17: Appropriates $11,500,000, as proposed by the Senate, instead of $11,100,000, as proposed by the House, for Star Route Service.

On No. 18: Appropriates $1,325,500, as proposed by the Senate, instead of $1,270,000, as proposed by the House, for power-boat service.

On No. 19: Omits the provision in both the House bill and the Senate amendment for expenses of attendance of delegates from the Post Office Department at certain international postal meetings.

On No. 20: Appropriates $9,975,000, instead of $10,000,000, as proposed by the Senate, and $9,950,000 as proposed by the House, for rent, etc., for first-, second-, and third-class post offices.

LOUIS LUDLOW,
EMMET O'NEAL,
GEO. W. JOHNSON,
GEORGE MAHON,
JOHN TABER,
CLARENCE J. MCLEOD,
FRANK B. KEEFE,
Managers on the part of the House.

Mr. LUDLOW. Mr. Speaker, I move the adoption of the report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent that I may extend my remarks at this point in the RECORD and include a letter and a financial statement explaining the provisions of the bill and a final summation of the measure in its conference form.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. LUDLOW. Mr. Speaker, your conferees, when we met with the conferees of the Senate, were confronted by only a few points in disagreement. The Senate had accepted our bill as a sound and wholesome measure and had made but few changes, namely, of a minor character. Under the circumstances, a conference agreement was easily and speedily obtained. The agreement I present to you is unanimous, being signed by all of the House and Senate conferees.

The largest item subject to conference action was an amendment which the Senate adopted adding $400,000 to the bill to provide for an additional trip per week on the trans-Atlantic air-mail route. This estimate came to Capitol Hill too late to be considered in framing the bill in the House, and your conferees were faced with it for the first time in the conference committee.

Of all of the component elements of our foreign Air Mail Service, the trans-Atlantic service is the most promising in respect both to usefulness and to revenues. Notwithstanding the serious handicaps and dislocations imposed upon this Service by the war in Europe, it is developing in a way that exceeds all expectations, and your conferees did not hesitate to approve the item the Senate had inserted in the bill, which will substantially improve and strengthen the trans-Atlantic air mail and augment its advantages for the benefit of a rapidly growing patronage.

Another Senate amendment which we approved increases the appropriation for salaries and expenses of the Procurement Division in the sum of $60,503. We were assured that if this money were allowed, the Procurement Division would be able to build up its force on a basis of permanency and stability so that it never again will be necessary to transfer personnel from emergency rolls to the regular roll. The constant tendency of administrative officials to urge that emergency personnel be covered into regular jobs has been a worrisome problem to appropriating subcommittees, and we were glad to see a solution reached, if only in this instance.

The Senate had stricken out of our bill a provision appropriating $100,000 to begin the construction of a Coast Guard Station on Lake St. Clair, Mich. The records of the Coast Guard show that more commerce passes that point than any other place under consideration for such facilities and that the loss of life there has been exceptionally great. On a showing of merit the Senate conferees yielded and the item was restored to the bill.

The only other item of exceptional interest discussed by the conferees was a Senate amendment appropriating $55,500 to enable the contractor on the route from Seward via Kodiak Island, the Alaskan Peninsula, and points on Bristol Bay, Alaska, to provide boat service to those isolated communities.

This estimate was first presented to our subcommittee and although it had a very strong humanitarian flavor, we felt it to be our duty to reject it. In effect, it was proposed to

furnish a passenger service and hang it on the fiction of a postal service. Of the need of the service there is no doubt. Without it these far-away inhabitants are virtually marooned and in case of illness there would be no transportation facilities to take the sick person to a hospital. Although the postal revenue from the operation would be almost nothing compared with the expense involved it was proposed to pay for this needed service out of postal appropriations.

The plain fact is that the contemplated operation has almost no relevancy at all to the postal service. It merely foists onto the postal service another nonpostal item, of which there are already far too many. Our subcommittee acted, as we thought, to protect the integrity of the postal service.

However, notwithstanding the irregularity of the entire proposal, it could not be divested of its humanitarian aspects and when the Senate adopted the item, we House conferees, somewhat against our best judgment, perhaps, yielded to the impulses of the heart and accepted it. Postmaster General Farley, in the meantime, had approved the appropriation and had indicated his willingness to perform the service, and we believed that since he felt that the integrity of his Department was not jeopardized there perhaps was no reason why we should worry. We will be hoping that this appropriation will not establish a precedent to plague us in the years to come, but if postal appropriations can be drawn upon to establish passenger service in Alaska why cannot they be drawn upon with equal justice to establish similar service in any other remote possessions of ours?

Final favorable action on this project was a striking tribute to the ability of ANTHONY DIMOND, the delegate from Alaska, and the high esteem in which he is universally held by the Members of both the House and Senate. He pleaded the cause of his people with a persistence that was almost irresistible.

As chairman of the conferees on the part of the House I asked for some assurance that this proposed abnormal operation, masquerading as a postal service, would be temporary and Governor Gruening and Mr. DIMOND joined in a statement which I herewith present to the House and ask to have made a part of the RECORD. It is as follows:

WASHINGTON, D. C., *February 17, 1940.*

Hon. LOUIS LUDLOW,
Chairman, Subcommittee on Appropriations,
House of Representatives, Washington, D. C.

DEAR MR. LUDLOW: This is written in answer to the question which you asked us when we talked with you recently about the desired additional appropriation for powerboat service in Alaska, which has been incorporated in the Treasury-Post Office supply bill in the Senate in the amount of $55,500.

It is our considered judgment, after careful review of all of the facts, that the aid now asked for will not be needed beyond a period of 4 years; for we are confident that at the expiration of 4 years the population of the area to be served will be sufficiently increased and its industries correspondingly expanded so that the desired service can be given without assistance through the Post Office Department or any other department or agency of the Government. However, it will probably be necessary to make a 4-year contract in order to secure the service, for otherwise the contractor would not be justified in securing and fitting out a vessel which will be adequate for the job. Obviously, a contractor would not be warranted in going to large expense in securing and preparing a vessel for the run if the contract would not extend for a period longer than 1, or even 2 years.

So far as we are able to do so, we assure you that it is not our intention to renew the present request beyond the 4-year period. And if application should be made to renew it, we believe that the subject ought to be examined anew by Congress as though no authority had ever been given.

Since the bill was before the House, thorough examination has again been given to the possibility of securing the desired assistance through the Coast Guard. Admiral Waesche, Commandant of the Coast Guard, advises that it is not possible for the Coast Guard to supply the service unless Congress shall amend the basic law of the Coast Guard, and also supply funds with which to buy or build a suitable vessel.

It is now certain that unless relief can be given through making the appropriation asked for, it will not and cannot be given at all; for every other conceivable source of aid has been thoroughly explored and none found which offers the slightest chance for help.

Sincerely yours,

ERNEST GRUENING,
Governor of Alaska.
ANTHONY J. DIMOND,
Delegate from Alaska.

While the members of the conference committee on the part of the House are willing that this service shall be established on account of the humane considerations involved, we do not think it should go on forever, and we urge the gentleman from Alaska [Mr. DIMOND] and the people he represents to put their ingenuity at work in an effort to find a better plan to furnish the needed service, as we frankly do not believe the Appropriations Committee will long countenance the figment of loading onto the Postal Service an operation that has almost no relation thereto. We at least hope that this better way will be found before the expiration of the 4-year period mentioned in the statement signed by Governor Gruening and the gentleman from Alaska [Mr. DIMOND].

I present to the House a financial picture giving the picture of this appropriation bill from its beginning to a summation in its final form, as follows:

Treasury and Post Office Departments appropriation bill, 1941

Total of Budget estimates:		
Treasury Department		$226,748,680
Post Office Department		816,897,832
Total		1,043,646,512
Total of bill as passed the House:		
Treasury Department	$218,691,530	
Post Office Department	813,463,082	
		1,032,154,612
Amount of House bill under budget estimates		11,491,900
Amount of Budget estimates considered by Senate:		
Treasury Department	$226,748,680	
Post Office Department	817,297,832	
		1,044,046,512
Amount of bill as passed Senate:		
Treasury Department	218,652,033	
Post Office Department	814,132,082	
		1,032,784,115
Senate bill under Budget estimates considered by Senate		11,262,397
Senate bill exceeds House bill		629,503
(Of the Senate increase, $400,000 is for foreign air mail under a supplemental estimate not considered by the House.)		
Conference agreement:		
House agreed to Senate amendments		$646,483
Senate recedes:		
Restores to House bill		100,000
Recedes from Senate items		83,020
Added to Senate total		16,980
Total of bill as agreed in conference:		
Treasury Department		218,752,033
Post Office Department		814,049,062
Total		1,032,801,095
Bill as agreed under Budget:		
Treasury Department	$7,996,647	
Post Office Department	3,248,770	
		11,245,417

APPOINTMENT OF ADDITIONAL DISTRICT AND CIRCUIT JUDGES

Mr. LEWIS of Colorado. Mr. Speaker, I call up House Resolution 424.

The Clerk read as follows:

House Resolution 424

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 7079, a bill to provide for the appointment of additional district and circuit judges. That after general debate, which shall be confined to the bill and shall continue not to exceed 1 hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment, the Committee shall rise and report the same to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. LEWIS of Colorado. Mr. Speaker, I yield 30 minutes to the gentleman from Michigan [Mr. MICHENER], and at this time reserve 5 minutes for myself.

This rule, as indicated by the resolution which has just been read, is an open rule for the consideration of H. R. 7079. The rule provides for 1 hour of general debate, and the bill, of course, is subject to amendment.

The bill provides for two additional circuit judges and for five additional district judges. The two circuit judges are, one for the sixth circuit, which comprises the States of Kentucky, Michigan, Ohio, and Tennessee; and one for the eighth circuit, which comprises the States of Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. The five district judges are, one for the southern district of California, one for the district of New Jersey, one for the northern district of Georgia, one for the eastern district of Pennsylvania, and one for the southern district of New York.

All these judgeships have been recommended both by the judicial conference and the Attorney General. The report from the Committee on the Judiciary is unanimous, and a further statement in their report is to the effect that in the opinion of that committee these judgeships ought to be created and the positions thus created filled immediately.

I reserve the remainder of my time and ask the gentleman from Michigan [Mr. MICHENER] to use some of his time.

Mr. MICHENER. Mr. Speaker, the gentleman from Colorado has outlined what the bill is and what it does. This bill, as reported, is the unanimous report of the Committee on the Judiciary. I voted for the bill as reported in the Committee on the Judiciary, and I also voted for the rule to bring the bill on the floor with the understanding that the bill is to include only the judges mentioned in the bill as reported by the committee. I am opposed to including additional judges by amendment from the floor. As is well known to those who have been here some time, the Congress a number of years ago set up a body known as the judicial conference. That consists of the Chief Justice of the Supreme Court of the United States and the presiding judge in each circuit in the United States. The Attorney General of the United States is also present. That conference meets in the month of September each year, according to law, and in the city of Washington. It considers the needs of the Federal judiciary. It recommends where additional judges are needed. I have taken the position that I will not vote for a judge not recommended by the conference, because those are not political judges. I do not believe that the Chief Justice of the Supreme Court and the judges of the several circuits would vote primarily for political judges. However, the Committee on the Judiciary has always reserved the right to review those recommendations. I might also add that the Committee on the Judiciary never considers politics in connection with recommendations so far as appointments to Federal judgeships are concerned. I know that one can present a case by bringing in a lot of statistics. For instance, some people think we should have judges according to population. Nothing is further from the fact. The real criterion is: Can a litigant have his case heard before the court having jurisdiction within a reasonable time? It makes no difference if there are 5,000 cases on the docket. I remember the time when some Federal courts were carrying minor cases—even draft-evader cases from the recent World War—to pad, so to speak, the number of cases pending before the court. They never intended to try those cases; they never would try those cases; but they were cases that could be shown in a compilation of unfinished business before the court.

I think the Committee on the Judiciary is unanimously satisfied with this bill as presented by the committee, and for which a rule was granted, and that it is a good bill and is not a political bill. I expect to support the bill if no additional judges are added by amendments from the floor.

Mr. LEWIS of Colorado. Mr. Speaker, we have no requests for time on this side.

Mr. MICHENER. Then, Mr. Speaker, I yield 10 minutes to the gentleman from New Jersey [Mr. KEAN].

By unanimous consent Mr. KEAN was granted leave to print as a part of his remarks certain excerpts from newspapers and certain letters.

Mr. KEAN. Mr. Speaker, I am frank to say that I know nothing of the need for additional judges provided for by this bill in any States or districts outside of New Jersey. Therefore, I want to devote myself to the New Jersey situation.

Let us look at the history of this proposed new judgeship. In July 1938, almost 2 years ago, Judge Clark, of the district court, was promoted to the circuit court. When consideration was being given to the filling of the vacancy thus created, there arose a quarrel between Mayor Hague, from north Jersey, and the senior Senator from New Jersey, from south Jersey, as to whom should be appointed.

Both remained adamant and it seemed that these Democratic leaders could not reach an agreement as to whom should be recommended to the President.

The President apparently had no desire to take the matter into his own hands, as evidently he did not wish to offend those who were reputed to be able to produce not only the type of delegation to the Democratic National Convention which he might desire, but also a tremendous number of Democratic votes on election day.

So, in order to have no hard feelings, it was decided that a bill should be introduced providing for two judges in New Jersey to take the place of the one, and thus each of the political leaders would be able to recommend his own choice for appointment, one from north Jersey and one from south Jersey.

The fact that this additional judgeship is not needed, or that it would cost the taxpayers of the United States about $20,000 a year, was given no consideration. What is $20,000 a year to our New Deal spenders if it means a few more votes for their candidates?

When this bill came up on the Consent Calendar last winter, it was passed over. In the meantime, Federal justice in New Jersey continued to be conducted by the three judges, with the one vacancy continuing.

It is true that there was some congestion, but a most interesting point is that in spite of the fact that there were only three judges sitting from July 5, 1938, there were 347 less cases pending at the end of the fiscal year ending June 30, 1939, than there were at the end of the previous fiscal year.

Thus, you may see that with only three judges working they were gaining on the calendar.

At last, after 18 months with only three judges, in December a fourth judge was appointed.

Now if the administration found that they could get along for 18 months with three judges instead of four, what possible excuse is there for burdening the taxpayers with five, at the additional annual cost of $20,000 every year.

The hypocrisy of the administration in requesting this additional judgeship can be well seen, for in Attorney General Murphy's recommendation to the Senate committee in July 1939 he states:

> The volume of new business has been considerably increasing in this district.

And then he compares the increase in the number of actions filed in the fiscal year 1938 with those in 1937, and he gives a figure, excluding bankruptcy cases, of 235. However, he fails to state that there was a decrease from the year 1936 to 1937 of 542 cases, and again last year there was a decrease of 102. If we would include the bankruptcy cases, the showing is even better.

District Judge Merrill E. Otis in an article in the University of Kansas Law Review in June 1939 sets up a measuring stick as to the number of cases which a district judge should be able to handle: 400 criminal cases, 200 civil private cases, 20 civil cases—United States a party.

If this yardstick is correct, the 4 New Jersey judges should be able to handle 1,600 criminal cases, 800 private cases, 800 civil cases—United States a party. There were pending at the end of the last fiscal year in the New Jersey district 480 criminal cases, 588 private cases, 412 civil cases—United States a party.

Thus you may see that according to this yardstick, the four present judges, who are all conscientious, able men, should be easily able to handle the pending litigations—and still the politicians want another judge.

Mr. HART. Mr. Speaker, will the gentleman yield?

Mr. KEAN. I yield to the gentleman from New Jersey.

Mr. HART. The gentleman has quoted from several members of the bar and others in connection with an extra judgeship in New Jersey. Has the gentleman any expression of opinion from any of the members of the court now sitting as to the need for this judgeship?

Mr. KEAN. As I stated here, the members of the court sitting 2 years ago voted against it. Last year they voted in favor of it, but I call the attention of the gentleman to the fact that the number of cases pending at the time they voted against these judgeships was greater than the number of cases pending at the present time, and I feel that those judges, having been burdened with that extra 33 percent of work, through the failure of the administration to appoint that third judge——

Mr. HART. Oh, the gentleman is not even attempting to answer my question.

The SPEAKER. The time of the gentleman from New Jersey has expired.

Mr. KEAN. Mr. Speaker, I want to read to you certain testimony which appears in the hearings, pages 187 to 191, when this matter was being considered by the subcommittee of the Judiciary Committee of the Senate.

Mr. Morris H. Cohn, chairman of the committee on the judiciary of the Federal Bar Association of New York, New Jersey, and Connecticut, stated in his testimony:

Our association is definitely of the opinion that there exists no present need to create an additional Federal judgeship for the district of New Jersey.

Again, I quote from a letter from Henry Ward Beer, president of the same association, appearing in the same testimony:

According to statistics, there is at the persent time no need for an additional district court judge in New Jersey.

I also wish to quote from a statement made on the same occasion by Mr. Ralph E. Lum, former president of the New Jersey Bar Association, who was appearing before the committee as chairman of the judiciary committee of the New Jersey Bar Association:

We appear in opposition to an additional district judge in New Jersey. Taking the situation as a whole, and I know the whole State pretty well, there is no need for the additional judge. There is no work for him to do. We do not need more than four judges. I am sure that with the four judges we have, another judge is not needed now. We do not need additional help in the district courts. I can take any kind of a case there and have it heard before summer recess this year. I do not see any need for an additional judge in New Jersey.

When this legislation was first proposed, all four of the sitting district court judges met in a conference and unanimously condemned the proposal to add a fifth judge.

It is true that last autumn, after 18 months with only three judges working, they asked for further help; but this was only natural as owing to the administration's failure to appoint the fourth judge each of them was suffering from the burden of 33 percent extra work, which has now been removed.

There were no public hearings on this bill before the House committee, though Circuit Judge William Clark, who was a member of the district court for 13 years and whose promotion to the circuit court caused the vacancy which lasted for 18 months, signified his willingness to appear before the committee in opposition to this bill.

Judge Clark is strongly opposed to the creation of this additional judgeship, and I hold in my hand a letter from him, stating his views, addressed to my colleague the gentleman from New Jersey [Mr. HARTLEY], which I ask unanimous consent to print here as a portion of my remarks.

I also wish to quote from an editorial from the Newark Evening News of July 27, 1939:

[From the Newark Evening News of July 27, 1939]

NO FIFTH JUDGESHIP

The Senate confirmed the nomination of District Judge William Clark to be a judge of the third circuit court of appeals on June 16, 1938, since which time there have been three United States district judges functioning in New Jersey instead of the statutory four. The vacancy has existed for more than 13 months. Now, on top of this, the Senate passes an act creating a fifth judgeship for this district, and the bill goes to the House of Representatives for action. The House, in the light of all the circumstances, should reject the legislation.

The fourth judgeship remained vacant during the last 6 months of Attorney General Cummings' tenure, and it has remained vacant for almost 7 months since Frank Murphy became Attorney General. The criminal docket in this district is reported to be in a serious state of congestion. Yet, Mr. Murphy announced months ago, and has restated it since, that he was going to purge the Federal courts of politics, to disregard politics in appointments to the Federal bench, to reform inefficient and laggard methods of handling court business, and to clear up congested dockets.

One might say in this connection: Mr. Attorney General, there has been a vacant judgeship in this State during almost 7 months of your term of office, during which the Congress has been in session, the Senate prepared to consider and confirm a suitable nomination. What is the reason no appointment has been made? Could it be politics? Could it be, as Senator REED, of Kansas, charged in the Senate, that Mr. Hague and Senator SMATHERS can't get together on a candidate? Can it be that the creation of a fifth judgeship is designed to liquidate this dilemma?

With one judgeship vacant for 13 months, does not the proposed creation of another place have an aroma of politics? Are you aware that when the proposal for a fifth judge was first made to the Congress, in the report of Mr. Cummings, it was stated that all four district judges had expressed themselves as opposed to Mr. Cummings' recommendation when one of his assistants, Mr. Keenan, first broached the subject to them?

Suppose we fill the fourth judgeship and see what happens. Suppose Mr. Murphy then speeds up the presentation of cases here and integrates the work of the courts, as he has promised to do everywhere in a general statement on the needs of the Federal bench. Suppose, in case of need, a retired Associate Justice of the Supreme Court of the United States is sent here to sit as a district judge, as was done in New York, or that one of the retired judges of the third circuit is designated to help out as a district judge in certain cases. Let's see what happens then.

If, in spite of all this, it can be demonstrated that congestion of dockets in this district is still serious, still prejudicial to that promptness which Chief Justice Taft once described as "the essence of justice," then it will be time for the Congress to consider the creation of a fifth judgeship, without the reproach of politics being present to hurt the prestige of the Federal bench, which all of us more than ever desire to guard and preserve.

My attention has been called to an article by Judge Otis in the December 1939 issue of the Journal of the American Judicature Society wherein he refers to the general principle which should govern the creation of district judgeships, in which he said:

They would spurn any effort of any politician to secure the creation of some new judgeship for the mere sake of patronage, although his efforts be buttressed by some specious showing or even by an honest showing of need obviously transient. Packing a district court with unneeded judges is not only an economic waste, it is degrading and humiliating to every serving judge in the district affected.

UNITED STATES CIRCUIT COURT OF APPEALS,
THIRD JUDICIAL CIRCUIT,
Newark, N. J., January 19, 1940.

Chambers of Judge Clark.

Hon. FRED A. HARTLEY, Jr.,
House Office Building, Washington, D. C.

DEAR CONGRESSMAN HARTLEY: I have your letter of January 18, advising me of the pendency before your honorable body of Senate bill 1481, popularly known as the omnibus judiciary bill, and requesting an expression of my views with respect to the inclusion therein of an additional (fifth) district judgeship for the district of New Jersey. I should always, of course, be glad to give you my views on any subject on which you happen to feel that they should be of any value. In this particular instance, however, I feel that I may be entitled to speak for two reasons. For 13 years I was a United States district judge for the district of New Jersey, the last 7 years of which I was the senior judge of the district. During that period, as I sat in Newark, the busiest place in the district, it happened that I tried, it is fair to say, in the neighborhood of three-eighths of the cases and should therefore be familiar with conditions. For the last 18 months I have been a member of the Circuit Court of Appeals for the Third Circuit, and in accordance with an act approved on August 7, 1939, it is now the duty of the circuit judges to organize themselves as a council for the purpose of directing the administration of the business of the district courts. In that capacity, I am a member of the subcommittee appointed by the chief judge, Judge Biggs, which conferred with the district judges of the district of New Jersey with respect to the condition of their calendars.

I am sure that you will agree with the general principle which should govern the creation of district judgeships. It has been well expressed by Judge Otis in an interesting article in the December 1939 issue of the Journal of the American Judicature Society, of which I happen to be a member, at page 151:

"They would spurn any effort of any politician to secure the creation of some new judgeship for the mere sake of patronage, although his efforts be buttressed by some specious showing or

even by an honest showing of a need obviously transient. Packing a district court with unneeded judges is not only an economic waste, it is degrading and humiliating to every serving judge in the district affected. Responsible statesmen will welcome a measuring stick, if one can be devised, by the application of which to work to be done in any district it can be determined whether a new judge is needed."

It seems to me there has been a notable failure to apply that principle to the current problem in New Jersey. You will understand it is not either my desire or my place to do more than recite facts. The inferences therefrom, if any, must be made by the members of your honorable body.

I shall detail the specific efforts to increase the number of district judgeships in New Jersey.

(1) They began in February 1932. The late Judge Runyon was appointed under a commission for his lifetime. Upon his death the Congress created a new permanent position, despite a letter from me to Senator NORRIS, chairman of the Judiciary Committee, as senior judge, opposing such permanent creation. I enclose copy of that letter, dated February 3, 1932.

(2) In June 1937 the district judges of New Jersey unanimously disapproved the creation of a fifth judgeship in a letter dated June 3, 1937, to Mr. Joseph B. Keenan, assistant to the Attorney General. I enclose a copy of that letter.

(3) In spite of this disapproval, the Attorney General, without further correspondence, recommended a fifth district judgeship to the judicial conference.

(4) Not one of the district judges was requested to give his views by the judicial conference or New Jersey's representative therein, Judge J. Warren Davis.

(5) On February 24 and 25, 1938, hearings were held before a subcommittee of the Committee of the Judiciary of the Senate, Seventy-fifth Congress, third session, on S. 3233. The chairman of the judiciary committee of the Federal Bar Association and the chairman of the same committee of the New Jersey State Bar Association appeared and emphatically disapproved the creation of a fifth judgeship (Hearings, pp. 187–191). I am sure a copy of those hearings is available to you.

(6) The President promoted me to the Circuit Court of Appeals for the Third Circuit and I was sworn in on July 5, 1938. In answer to an inquiry from Senator NEELY, of the Senate Judiciary Committee, the remaining three district judges for the district of New Jersey, without notice to me, reversed their previous stand in a letter of March 15, 1939. This letter is vague and general in character and contains figures that, in my opinion, are not entirely accurate. The original must be in the files of the Senate Judiciary Committee.

(7) No member of the Senate Judiciary Committee communicated with me.

(8) The Attorney General again recommended the inclusion of a fifth district judgeship in the omnibus bill.

(9) Judge Biggs, our representative of the third circuit at the judicial conference, requested my views with respect to an additional district judgeship for New Jersey. I told him I opposed it, and I am sure he so reported it to the conference. No other member of that conference communicated with me, and the conference recommended the creation of such a judgeship.

(10) The Council of Circuit Judges was organized pursuant to the act approved on August 7, 1939, and a resolution calling attention to the vacancy which had existed for 17 months in the United States District Court for the District of New Jersey was passed and forwarded to the Attorney General. I enclose copy of that resolution.

(11) That vacancy was filled by the appointment of Judge Thomas G. Walker, who was sworn in on December 28, 1939.

(12) Upon the demand of the Council of Circuit Judges the district judges submitted a summary of every case pending in the district of New Jersey. This summary is too bulky for enclosure and so detailed that it would have to be explained to your honorable body. Generally speaking, however, it indicates, first, that the listing of many of the cases as current is due to archaic methods in the clerk's office; and, second, that even the three judges now sitting in the district of New Jersey have made considerable progress toward coming abreast of their work.

(13) Judge Walker, the newly appointed judge, began the trial of his first case exactly 1 month from the date of his appointment. That was because on the supposedly congested calendar no cases were ready for trial.

(14) The calendar of the Circuit Court of Appeals for the Third Circuit is, I am pleased to say, now actually current. As we have five judges to rotate for three places, I could quite easily be assigned to the district of New Jersey for a period sufficient to enable me to bring their calendars up to date in the next 3 months.

I conclude from these recitals that the district of New Jersey has never and does not now need more than four judges, and that to add a fifth judge in a district where there has been a vacancy for 17 months would be unwise and utterly impossible of any public explanation. I do not happen to know Chairman SUMNERS and Senior Minority Member MICHENER, but I have had some correspondence with both of them and have followed their public careers with great admiration. I should be only too pleased, therefore, to either write or talk with them if they should be inclined.

Sincerely yours,

WILLIAM CLARK.

JUNE 3, 1937.

Hon. JOSEPH B. KEENAN,
The Assistant to the Attorney General,
Washington, D. C.

DEAR MR. KEENAN: In reply to your letter addressed to the several judges of this court requesting our views as to Senate bill No. 2484, we met in conference today on the subject, and after giving full consideration to the conditions existing in the district came to the conclusion that we cannot favor the passage of this measure.

Sincerely yours,

WILLIAM CLARK,
GUY L. FAKE,
JOHN BOYD AVIS,
PHILLIP FORMAN,
Judges.

NOVEMBER 13, 1939.

Hon. FRANK MURPHY,
The Attorney General,
Washington, D. C.:

Resolved, That the examination by this council of the state of the business of the District Court of the District of New Jersey discloses a condition of congestion seriously affecting the interests of litigants, which condition, in the opinion of the council, has largely resulted from the fact that a vacancy in the office of district judge in that district has remained unfilled since July 5, 1938.

COUNCIL OF CIRCUIT JUDGES OF THE THIRD CIRCUIT.

Mr. LEWIS of Colorado. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

EXTENSION OF REMARKS

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address I delivered before the National Rivers and Harbors Congress today.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and include an address I delivered before the Mississippi Valley Flood Control Association on yesterday, March 13.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

APPOINTMENT OF ADDITIONAL DISTRICT AND CIRCUIT JUDGES

Mr. WALTER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 7079, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

Without objection, the first reading of the bill was dispensed with.

Mr. WALTER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as my distinguished friend from Michigan [Mr. MICHENER] has told you, this measure was reported unanimously by the Committee on the Judiciary. Because there has been an attack made on just one provision of the bill, I will address my remarks to that particular provision. I am quite certain that my distinguished friend from New Jersey [Mr. KEAN] did not want to create the impression that the Committee on the Judiciary was playing politics in making the recommendation that it made in this matter, but certainly he has done that very thing. I want to say to him that Chief Justice Hughes is the last person in the world I would accuse of making a recommendation that would be of benefit to the majority party. The recommendations that the Judiciary Committee has made are all recommendations made by the judicial conference, of which the Chief Justice of the Supreme Court of the United States is chairman.

I know what is back of the opposition to the creation of a new judgeship for the State of New Jersey, and I got it from the gentleman who has been supplying the gentleman from New Jersey [Mr. KEAN] with his information. Mr. Justice Clark, of the circuit court of appeals, has stated in my presence that he is opposed to an additional judge for the State of New Jersey, because he does not want Franklin D. Roosevelt to name him. Now, that is your opposition, and it comes from the lips of a judge appointed by Franklin D. Roosevelt to the circuit court of appeals.

At the present time the circuit court judges in the third district are sitting in the district court of New Jersey in an effort to give to the citizens of that State the sort of justice to which they are entitled. Every one of the circuit court judges is now placed in a position where in a few months he may be required, sitting where he belongs on the circuit court bench, to review a judgment that he, sitting as a district court judge, rendered. I will say to my distinguished friend from New Jersey [Mr. KEAN] that the Committee on the Judiciary of the House of Representatives does not approve of that practice. We do not believe that district court judges ought to sit in the circuit court, nor do we feel that circuit court judges ought to ever be placed in the embarrassing position where, subconsciously at least, they may be hesitant in overruling the judgment of one of their colleagues.

Mr. KEAN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. Not at this time. I will yield in a moment.

As far as the quarrel that the gentleman from New Jersey has mentioned between the Democratic leader of the State of New Jersey and one of the Senators is concerned, I know nothing about it and care less.

Mr. HART. May I interpolate there?

Mr. WALTER. In just a moment. Let me tell the gentleman that wherever he got his figures as to the condition of the docket in New Jersey, they are entirely erroneous. According to the report that came from the Attorney General, there were pending on July 1, 1938, 1,015 cases in the State of New Jersey.

Mr. KEAN. One thousand three hundred and thirty-nine, I have.

Mr. WALTER. They were criminal cases. Just recently the Assistant Attorney General in charge of the Criminal Division of the Department of Justice informed me that cases arising from violation of the income-tax laws were continued because they could not get a judge to try them, and witnesses had been subpenaed and were in court at Camden, waiting since October for those cases to be heard. Certainly that does not seem like good economy to me. I say that because the gentleman from New Jersey [Mr. KEAN] has stressed the iniquitous spending of the New Deal in connection with this measure.

I call attention to this fact, that it does not cost the taxpayers of the United States $20,000 a year for judges' salaries, but the salary of a judge is $10,000. In addition to this provision in the bill being recommended by the judicial conference, it was recommended by the Attorney General of the United States. There is no provision in this bill that was not recommended by both the judicial conference and the Attorney General.

I certainly feel that our committee in carefully following out our policy of accepting the recommendations of the conference as being advisory and merely making the recommendations that the hearings disclose are necessary, has not departed in the recommendations in this bill from that policy.

Mr. Chairman, I yield myself 5 additional minutes.

Mr. HART. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. HART. Permit me to state that in the course of his remarks the gentleman stated that he knew nothing about any arrangement between the Democratic leader of the State of New Jersey and the senior Senator from that State.

Mr. WALTER. I did not say "arrangement"; I said "controversy."

Mr. HART. It was referred to in the prepared speech of the gentleman from New Jersey. I merely want to advise the gentleman and advise the committee that the gentleman from New Jersey knows nothing whatsoever about it either.

Mr. KEAN. I know nothing of the kind, but I do read the newspapers.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. COOPER. Will the gentleman kindly give the Committee some explanation with respect to the proviso appearing on page 2 of the bill?

Mr. WALTER. I may say to the gentleman from Tennessee that this proviso makes all of the judgeships temporary so that upon the death, resignation, or removal of any of the present judges a vacancy would not automatically be created. The subcommittee of which I am chairman feels that we ought to be hesitant in the creation of permanent judgeships. Population shifts, business shifts, and we are certainly not in any position today to foresee the condition of a court calendar even a year hence. We therefore felt that all of these judgeships ought to be temporary.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. McLAUGHLIN. As a member of the Judiciary Committee and as a resident and a member of the bar in the eighth judicial circuit of the United States, I am familiar with the judicial situation in that circuit, as shown by reports and by showings made by the presiding judge of the circuit court of appeals. The Judiciary Committee has concluded, after consideration of the matter, that two additional judges are needed on the circuit court of appeals of the eighth circuit. I wish the distinguished chairman of the subcommittee would explain, if he has not already done so, that while the bill calls for and carries provision for only one judge in the eighth circuit, a committee amendment will be offered for two judges. Will the distinguished gentleman from Pennsylvania kindly take time at this point to explain briefly the reason for the committee's action?

Mr. WALTER. I shall be pleased to. The reason is that this bill was reported at the last session, and the information we had at that time related to the condition in that circuit as it existed then. At the time the subcommittee reported this bill despite the fact that a recommendation had been made by the judicial conference that there be two additional judges appointed for the eighth circuit they recommended only one because there were three retired judges sitting almost continuously in the eighth circuit. They were men of advanced years. I believe my distinguished colleague, the gentleman from Nebraska, has a statement from the senior circuit judge with respect to the ages and the abilities of these men.

Mr. McLAUGHLIN. The gentleman is correct.

Mr. WALTER. I would very much like to have the gentleman at this point insert in the RECORD the statement to which I referred.

Mr. McLAUGHLIN. I shall be very glad to insert it in the RECORD. My purpose in asking this question was to have brought out the necessity for the additional judge which is recommended by the Judiciary Committee.

The statement referred to follows:

STATEMENT BY JUDGE KIMBROUGH STONE, SENIOR CIRCUIT JUDGE, EIGHTH CIRCUIT

The necessity for two additional circuit judges in the eighth circuit arises from three coacting influences which are (1) increase of work, (2) decrease in number of judges to do the increased work, and (3) method of doing work.

I. INCREASE OF WORK

The increase of work is caused both (a) by increase in number of cases and (b) by increased difficulty in character of cases.

Effects of number of cases and of character of cases on judicial work

While the number of cases in a court has a direct bearing upon the work of the court, because each case must be separately examined and determined, yet the character of the cases is even more important. The difference between the effect of the number

of cases and the effect of the character of cases arises from the time and the effort required to examine a particular case. If a case presents issues on points of law frequently before the court, and has a comparatively small record, it will not require great and extended effort and time to read the record and to decide the issues. If a case presents new, unusual, or difficult law issues or has a long record, it requires, naturally, more effort and time to determine it. Where a case presents both new, unusual, or difficult law issues and also has a long record, the effort and time are of course still greater. Therefore one difficult case or one having a long record, or one having both difficult issues and a long record, may require more effort and time than a dozen of the relatively lighter kind.

Let me illustrate the relative importance of number and of character of cases. All experienced appellate Federal judges know that it is the rare criminal case which requires much effort or time. This is so because the same kind of issues are presented in criminal appeals again and again—therefore the applicable law is familiar and fresh in the judges' minds—and the records are very rarely long. On the other hand, many civil cases present novel issues of law and many have long records.

Next, let us apply the above considerations of number and character of cases to the actual situation in this circuit.

(*a*) *Increase in number of cases*

The increase in number of cases for the fiscal year ending June 30, 1938, was about 8 percent above the average for the preceding 14 years. It was almost 14 percent above the number filed the preceding year. The increase in number of cases for the fiscal year 1939 over the year 1938 was over 7½ percent. There is every reasonable assurance that the number of cases in future years will increase—certainly there is no hope for a sustained decrease.

(*b*) *Increase in difficulty of cases*

The character of civil cases coming before a Federal court of appeals depends upon many factors. One of these factors is the kind of social conditions and businesses in the particular circuit. For example, the second circuit (except for Vermont, being the seaboard States of New York and Connecticut) will have a considerable number of admiralty cases which can be rather easily disposed of, because the law is settled and the records not exceedingly long. On the other hand, the eighth circuit is located in the middle of the country, with both large rural areas and also with large cities therein. This results in a wide diversity of kinds of civil cases coming on appeal in this circuit. This diversity is convincingly shown by the fact that in 1938 over 47 percent of the cases filed in this court were not susceptible of classification under the rather detailed table of classes (15 classes) devised by the Department of Justice—this large percentage of cases had to be placed in the catch-all class, called "Miscellaneous." In 1939 the "miscellaneous" cases were almost 48 percent of the total cases, there being 17 classes.

(a) Effect of legislation: Another factor is recent legislation by Congress. Whenever Congress enacts a statute affecting many people in their mode of life or business, the natural result is an increase in litigation. First, there come attacks upon the validity of the act. If the act is sustained by the Supreme Court, there follows an extended period of tests as to the proper construction of and as to the application of the act. In the past few years Congress has enacted a more-than-usual number of such statutes, which are noticeably increasing the work of the court of appeals or of the judges therein. Examples of these are the creation of various administrative boards, the Chandler Bankruptcy Act, the new rules governing trials in district courts (authorized by Congress), and the act requiring three judges (one of whom must be a circuit judge) in all district-court cases attacking the validity of an act of Congress.

Administrative boards: The act creating the various administrative boards require direct reviews or enforcement of board orders to be brought direct in the proper circuit court of appeals. The action of these new administrative agencies is in new legal fields where there is little or no precedent, and, therefore, where a very considerable burden is placed upon the courts of appeals in trying to construe and apply these new laws so as to carry out the intention of Congress.

In addition to this the records in these review proceedings are nearly always very large. Rarely are they as little as 1,000 pages (except in reviews coming from the Board of Tax Appeals). I have on my desk now 1 such record of more than 4,000 pages. I am informed that 2 such reviews have been recently filed in this court wherein the records will exceed 20,000 pages in each case.

In most of these cases one point always urged is the sufficiency of the evidence to justify the findings and order of the board or commission. Such an issue can be determined only by a careful reading of the entire record.

Last year, 20 percent of the total cases filed in this court were reviews of administrative boards or commissions.

Chandler Bankruptcy Act: This new act (approved June 22, 1938, effective September 22, 1938) makes numerous changes in the Bankruptcy Act as theretofore existing. There can be no question but that these changes will result in much litigation extending over years until these changed provisions have received judicial interpretation.

In addition to this, the Chandler Act makes one change which is already being reflected in increasing litigation in the courts of appeals. Before the Chandler Act, appeals in bankruptcy matters were allowable by the district courts as of right only in certain described instances (secs. 24 and 25 of the act, secs. 47 and 48 U. S. C. A., title 11). In all other instances, allowance of such appeals was within the discretion of the courts of appeals and many appeals were denied. The Chandler Act gives appeals as of right except in the limited class of cases where the amount involved is $500 or less. Obviously, the number of appeals is being and will be increased.

New rules: The broad sweeping scope of these rules is stated (rule 1) as governing the procedure in the district courts "in all suits of a civil nature," with certain exceptions set out in rule 81. They make drastic changes in very many phases of procedure from the commencement of an action through to an appeal and also as to some phases of appellate procedure. Any experienced lawyer knows that there will be hundreds of appeals involving construction of these rules. Such result has followed the introduction of every code in a State. This effect is being felt already and will continue for many years—resulting in a definite increase of the number of appeals and of the work in the courts of appeals.

Three-judge cases: The act of August 24, 1937 (50 Stat. 752, U S. C. A., title 28, sec. 280a) requires three judges—at least one of whom must be a circuit judge—to sit in all injunction cases involving constitutionality of acts of Congress. Cases under this act are not numerous but they are highly important and usually involve extended hearings for taking evidence. Each such case takes at least one circuit judge away from his regular appellate court duties, usually for some time, thus interfering with his disposition of appellate business.

(b) *Erie Railroad Co.* v. *Tompkins* (304 U. S. 64): This decision (April 25, 1938) has decidedly increased the work of the courts of appeals in circuits having several States—this circuit has seven States. Theretofore many appeals involved applications of the so-called general law (defined by Mr. Justice Story in *Swift* v. *Tyson* (16 Pet. 1) in 1842). In the nearly 100 years between the Swift case and the Erie case, this general law as to many recurring situations had been fairly well defined and therefore was not especially difficult of statement or application. Of course, no matter in what State an appeal might arise, the rule was the same. The Erie case has reversed all of that. The general law has, at least as to substantive law, disappeared. Now the same issue (formerly subject to general law and governed by one rule) may come up in seven cases—one from each of the seven States in this circuit—and, instead of the easy statement and application of one rule to all, we must examine the law separately as to each case so as to ascertain and apply the law of the particular State from which the case came. Thus, until the entire field formerly covered by this general law is settled, the work on this character of appeals may be multiplied seven times because we have seven States in this circuit. It is certain that our work of this kind will be affected every year for a number of years.

(c) Generally: In outlining the above particular matters which increase the work of the court of appeals of this circuit, I have not tried to mention every such consideration but only such as are rather outstanding. There are others. One of these only will be mentioned. While the number of appeals increases, the number of criminal appeals decreases. As said hereinbefore, criminal cases are, as a class, less difficult of examination and determination. Last year (fiscal 1939) the criminal appeals in this circuit were less than one-third of the average for the preceding 4 years. Criminal appeals have tended to fall off since the criminal-appeal rules were put in force by the Supreme Court in 1934. Those rules have much discouraged criminal appeals which were frivolous or for delay. The situation is that the less meritorious, and therefore easily disposed of, criminal appeals are disappearing, while the total number of all kinds of appeals and reviews is increasing. The result is that a hundred appeals today require decidedly more time and effort than the same number did a few years ago.

The actual result is that the work of this court has materially increased in the last few years.

II. DECREASE IN JUDGES

In the past few years this court has been able to keep up with this additional work only because of the fortunate circumstance that we had additional temporary help. This help came through the valuable assistance of three experienced and able retired circuit judges. Judge Wilbur F. Booth retired on January 1, 1932; Judge Arba S. Van Valkenburgh on May 1, 1933; Judge Charles B. Faris on December 1, 1935.

We have now lost most of this assistance. Judge Faris died December 19, 1938. Judge Booth has not sat since September 1938, and will certainly not sit again because of defective hearing and other serious physical ailments—he will be 79 years old next August. Only Judge Van Valkenburgh remains. He does an excellent quality of work, but sits only from one-third to one-half as much as a single active judge. How much longer he will want to help is problematical, as he will be 78 years old next August and is not in the best of physical health.

III. METHOD OF DOING WORK

(a) Choice of method: Wherever a court is made up of more than one judge, and where more than one must sit in every case, there is a choice of method which affects both the rights of the litigants and speed of the work, and therefore the number of cases which can be disposed of within any given period of time. This choice is between doing the work properly or doing it quickly.

The same judges can turn out much more work if they want to sacrifice good, thorough work to speed. Some courts do just this

thing. For example, there are courts of three or more judges where, at the adjournment of court for the day, the judges talk over for an hour or more the three to six cases heard that day. They reach a decision in each case, and the cases are assigned for opinions. Each judge then writes the opinions assigned to him. By the time these opinions get to the other judges (who have been busy writing the other opinions assigned to them) these other judges have more or less hazy remembrance of the cases they do not write. If an opinion reads well, they concur without more. Such a method results, in essence, in a one-man decision. By this method more cases are disposed of, but the litigants have not had their rights, because they have really not had the mature, careful consideration of each of the judges who sat. Thus the substantial rights of all of the litigants have been sacrificed for the sole end of speed.

Our method of work: The act of Congress creating the circuit courts of appeals provides that each of such courts "shall consist of three judges" (U. S. C. A., title 28, sec. 212). This court has always construed this language to mean that Congress would not have required three judges unless it intended that litigants should have the careful consideration and determination of each one of the three judges and that the judgment of the court should be the result of the real work of three men.

Our entire method is designed solely to get the careful consideration of each judge and therethrough to have every judgment of this court represent the best thought which three men—not just the thought of the one judge who might write the opinion—can bring to bear. To secure this result—sought by Congress—we have evolved the following method:

Our unit of work is our week during which the same three judges usually sit. (1) At the end of each day there is an informal discussion of the cases heard that day. This discussion has two puposes: First, to ascertain if the decision in any case is so clear that it needs no further consideration (this rarely occurs); and, second, to fix the oral argument in our minds. (2) Next, each judge independently investigates each case—reading the record and briefs—and prepares his written memorandum thereon. (3) When all three judges have prepared such memorandum, a conference is held. At this conference memoranda are read and there is a full discussion as to how each case shall be decided and as to the grounds for each decision. (4) The cases are then, for the first time, assigned for opinions—usually such assignments are made to the judge who seems to have the best and clearest grasp of a particular case, as shown by his memorandum and discussion during conference.

The above method absolutely secures the independent thought and investigation of each judge. These memoranda are usually quite complete, and frequently are extended discussions of every point in the case necessary to be decided—I have one now on my desk of 24 typewritten pages of legal cap paper. Thus when the three judges gather for conference, each is thoroughly informed and prepared on each case and, therefore, can discuss it intelligently. The result is that every decision is the product of three minds which have investigated, separately, and thereafter discussed together every point presented by counsel. Through years of experience, this is the best method we have been able to develop to put into the decision the informed judgment of every judge who sat—a result intended by Congress and, therefore, one to which the litigants are entitled.

Clearly, this method involves an enormous amount of work. We could reduce our work by two-thirds if only the one judge who wrote the opinion made this thorough investigation. Also, opinions could be gotten out faster and more cases disposed of if we did not do the work this way. But such gain in dispatch of business would be at the sacrifice of good work. When Congress required three judges, it did not intend that two of them should be mere "yes men" and figureheads.

We have regarded it as our first and great duty to be as near right as possible. This is the basis of our method.

IV. NEED FOR TWO ADDITIONAL JUDGES

The net result of all of the above is that the court of appeals of this circuit has, for the past few years, had more work than the five active judges, alone, could possibly have done; that this work has been kept up to date only because of the help of the three retired circuit judges and, later, by use of district judges. The help from retired circuit judges has now, in large part, finally ceased. Either the docket must fall behind, district judges must be used, or the court must have additional circuit judges to help do the work. The necessary manpower can come only from one of two sources: By use of district judges on the court or by additional circuit judges.

Use of district judges: There has been substantial objection by the bar to having the determination of appeals participated in by trial judges. This is not the place to discuss the advantages or disadvantages of such practice, but I merely call attention to this attitude of the bar as an existing fact.

A more important thing is the practical situation in the circuit. That situation is that the district judges in this circuit have all they can do to look after the work in their own district courts, and some of them are overburdened. To place upon them the further work of service on the court of appeals is obviously unfair to them and to the litigants in their courts. While it may be better to have some districts fall behind rather than to have the court of appeals fall behind, yet this is but a choice between two evils, neither of which should be permitted and both of which can be avoided by the simple expedient of increasing the manpower of the court of appeals itself.

I have been a member of this court of appeals for more than 23 years and the senior judge for almost half of that time. During that period I think I have gained experience which is useful in estimating the situation of the appeal litigation in the circuit and in gaging the man-force necessary to take proper care of that litigation. All of the present judges work hard and intelligently. They cannot do more than they are doing. I am certain that the court needs these two additional judges. I hope the Congress will see its way to provide them during this session so that the work will not fall behind or the district courts be badly affected; either result is bound to affect litigants harmfully.

I will be happy to aid in any way in further understanding our problems.

Mr. WALTER. This statement explains very clearly the situation. The work was kept up to date because these three retired judges served and later by also using the services of a retired district-court judge. The help from the retired circuit judges has ceased. One of these judges has died, another is 79 years of age and very hard of hearing from what I understand, and the third has recently been stricken by a serious ailment. Since the committee reported the bill, therefore, the situation has changed. The eighth circuit is now deprived of the services of the three retired circuit judges and the service of one district judge.

Mr. McLAUGHLIN. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. McLAUGHLIN. The Committee on the Judiciary is unanimous in its approval of the committee amendment providing two additional judges for the eighth circuit rather than one as set forth in the bill.

Mr. MICHENER. Mr. Chairman, will the gentleman yield?

Mr. WALTER. I yield.

Mr. MICHENER. Right in this connection, when the Committee on the Judiciary reported the bill out last July it did not include two judges for the eighth circuit because some gentleman from Nebraska at that time felt that possibly that was not necessary. The judicial conference, however, did make that recommendation.

Mr. WALTER. That is right, the judicial conference made the recommendation, but our subcommittee felt that in view of the fact there were four retired judges sitting we would see whether or not they could get along with just one additional judge.

Mr. MICHENER. That is just one reason why we should pay attention to the judicial conference. The judges there knew of the health of these men, they knew the work there was to do, they knew their abilities, and they recommended this.

Mr. McLAUGHLIN. Of course, the subcommittee and the full committee have taken into account the fact that developments subsequent to the recommendation of the judicial conference make necessary the additional judge called for in the committee's amendment.

Mr. WALTER. I may say to the gentleman that the judge who will make the recommendations this year is the judge who furnished us with the figures showing the absolute necessity for two judges.

Mr. McLAUGHLIN. That is Justice Stone, the presiding judge?

Mr. WALTER. Yes.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. GWYNNE].

Mr. GWYNNE. Mr. Chairman, this bill provides for two additional circuit judges, five district judges. One circuit judge in the sixth circuit is included. I take it there is no question about that particular circuit judge. The bill also provides for an additional circuit judge in the eighth district. The circumstances of that situation have been explained. The committee will offer an amendment providing for an additional circuit judge, which amendment should be supported, and I hope will be agreed to.

The five district judges have been recommended by the judicial conference; they have been recommended by the Attorney General and have been considered carefully by the subcommittee which unanimously recommended them to the full committee, and the full committee offers this bill. I

know there is some difficulty about the judgeship in New Jersey, but just what the political situation is there, I am sure I do not know.

Mr. THOMAS of New Jersey. Will the gentleman yield?

Mr. GWYNNE. I yield to the gentleman from New Jersey.

Mr. THOMAS of New Jersey. Will the gentleman tell us who in New Jersey has recommended this additional judgeship?

Mr. WALTER. Will the gentleman yield so that I may answer that question?

Mr. GWYNNE. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Every one of the district court judges in the State of New Jersey and in addition thereto all of the circuit court judges in the circuit in which that State is located. The only opposition comes from those people who do not want to see a Democrat appointed as a district judge in that State.

Mr. THOMAS of New Jersey. May I say that I have yet to get one letter from any judge in New Jersey or from any lawyer in New Jersey or from any organization in New Jersey advocating the need for a new judgeship there, but I have received a lot of mail in opposition.

Mr. GWNNE. May I say to the gentleman that we have applied to that situation the usual test that must be applied by any committee considering a proposition of that character. In spite of what the gentleman says, that judgeship has been recommended by the judicial conference, upon which his circuit is represented; it has been recommended by the Attorney General and it has been recommended by the Committee on the Judiciary.

Mr. Chairman, some amendments will be offered to provide an additional judgeship in Oklahoma and, I understand, an additional judgeship in Florida. I do not believe those amendments should be agreed to at this time. I will not go into that particular situation at present, but I hope when either amendment is offered I may have the opportunity to oppose it.

Mr. Chairman, the Members should bear in mind that the responsibility for providing sufficient personnel and sufficient facilities for these courts is not one that devolves upon the judicial conference but is a responsibility of this Congress. Furthermore, may I remind the Members of the House that the entire expense of operating the Federal judiciary is less than one-fifth of 1 percent of the total expense of the Federal Government. Of course, that is no excuse for creating judgeships that may not be needed.

Reference has been made to a report by Judge Merrill E. Otis. Judge Otis considered the work done in the 10 largest districts of America, and I refer to the 10 districts having the greatest amount of litigation. He considered their record in 1933, which was the peak year, and arrived at the conclusion from the figures studied that the average district judge should terminate in a year 400 criminal cases, 200 civil cases in which the United States is a party, and 200 other civil cases. If you were to apply this formula to the work of many district judges, you would find they are not doing that much work, and the reason is that many of them do not have the work to do. I remind you of this because I hope you will retain in this bill the amendment put in by the subcommittee, and agreed to by the full committee, appearing on page 2, providing that the first vacancy occurring in the office of district judge in each of these districts shall not be filled.

Mr. Chairman, I believe that much could be done toward the efficient and economical administration of justice in this country if some revision were made in the boundaries of the various Federal districts and perhaps in the circuits. There was created during the last session of Congress the Office of Administrator for the Courts. When we legislate in the future on these subjects, we will have more information about what is really needed. I trust this amendment will be agreed to because it will provide this House with the opportunity from time to time to consider the needs of the various districts and permit it to legislate accordingly. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, may I say at the outset that this bill has been very carefully considered by the members of the Committee on the Judiciary. It follows the recommendations not only of the Attorney General but of the judicial conference. The judicial conference is composed of various circuit judges, presided over by Chief Justice Hughes, who meet annually to determine the needs of the various jurisdictions. Their recommendations are made after mature deliberation, and we ought to follow their recommendations. They have asked us for the additional judgeships which we have embodied in this bill. We indeed would be derelict in our duty if we would not follow that expert advice. I personally, however, deplore the provision in the bill—and I only speak personally, I do not speak for the committee—which makes these judgeships temporary. I do not believe we should make these judgeships temporary because in almost every instance during my almost 18 years in this House whenever we have added these temporary features to a bill, the temporary judgeships were subsequently always made permanent.

Let me recite a rather anomalous situation that has developed in my jurisdiction in New York. In the last session of this Congress we passed my bill to provide that the temporary judgeship in the southern district of New York, created in 1938, be made permanent. In 1938 we had provided for one additional judgeship, but we provided that this judge should be only temporarily assigned, that, in other words, the first vacancy that occurred in the southern district was not to be filled. The situation in New York is such that we need that judge beyond peradventure of a doubt. Judge Patterson was elevated to the circuit court of appeals, and there was, therefore, a vacancy, but the President was deprived of right to appoint his successor because of the condition which we appended to the original bill in 1938 precluding the right to fill that vacancy, and because thereof we in New York have suffered. He cannot have an appointee in Judge Patterson's place. My bill made the temporary judgeship in New York permanent. But my bill lags in the Senate.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. We repealed that condition.

Mr. CELLER. I am coming to that.

In the last session we provided that this temporary judgeship in New York might be filled, but this only proves my point that in almost every instance where we have provided the temporary feature we have obliterated the temporary feature on some subsequent occasion and made the judgeship permanent. If we would be forthright with ourselves, we would eliminate this temporary feature. We merely include it in the bill for the sake of getting a few votes and for the sake of the argument that it is only a temporary judgeship. For that reason, I do hope that this provision will not remain in the bill. I shall not offer such an amendment because I want to stand by my committee, but I am giving you this opinion for whatever it may be worth.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman from Pennsylvania.

Mr. WALTER. I should like to call the attention of the gentleman from Michigan [Mr. MICHENER] to the fact that our former colleague the gentleman from Tennessee, Mr. Chandler, spent several years in making a study of the advisability of offering a bill redistricting the entire United States, and, but for the fact that he has left this body, in all probability we would be considering such a recommendation. I believe the administrative officer will very shortly submit a report advocating the changing of the districts in the United States.

Mr. MICHENER. That is one reason no one should vote against this amendment.

Mr. CELLER. I have given you my opinion for what it may be worth. I shall offer no amendment. I still believe, despite what both the gentlemen have indicated, that we should not put these provisos in the bill.

Now, as to New York, I wish to say "Justice delayed is justice denied."

As far as New York is concerned, there is great delay in the trial of all cases. There has been a tremendous accumu-

lation of all manners and kinds of cases. For this reason we have asked for the additional judgeship in New York, as recommended by the Attorney General and by the Judicial Conference.

For example, we have cases in New York that take 3 years to try. There is, for example, the Aluminum Trust case, which has endured thus far for over a year and a half and, I am informed, will continue before Judge Caffey for another year and a half, so that judge is almost useless to us as far as all other cases, civil and criminal, are concerned. Judge Woolsey is intermittently ill. There is a motion-picture case about to be tried in the southern district of New York against the motion-picture combine that will take over a year to try. Therefore three judges will be hors de combat, as it were; they will be taken out of the average run of court cases. New York always has a situation of that sort.

In New York we try more admiralty cases than are tried in all the other jurisdictions. We try more patent and copyright cases in New York than are tried in all other districts. We have a plethora of alcohol-tax cases. In many of these cases the defendants number as many as 50, and sometimes more. The environs of New York City are veritable centers for the manufacture of illicit alcohol. Alcohol, non-tax-paid, is manufactured in Greater New York by bootleggers, especially since we increased the internal-revenue tax, to a much greater degree than during prohibition. As a result, a vast number of liquor-tax cases have accumulated. These bootleggers and tax evaders, out on bail, are free to recommit their crimes. For this reason we need these judges to get after these culprits and bring them to book.

I could go on and indicate something of the many fake insurance cases, the income-tax cases, and the Railway Employees' Liability Act cases. Under the Railway Employees' Liability Act most of the cases which could be brought in other States gravitate to New York. Employees are injured in Pennsylvania or Maine or Vermont. They all bring their suits in New York because practically every railroad has an office in New York, and thus jurisdiction is easily assured.

They do this for the reason that New York juries give large verdicts, verdicts which are larger in amount than the verdicts in other parts of the country. So we have a tremendous number of these cases that do not rightfully belong to us.

It is unnecessary to dwell on the denial of justice resulting when calendars of courts are congested and judges overworked. Meritorious claims are compromised on harsh terms when litigants of ordinary circumstances are confronted with interminable delays before a trial can be had and an appeal heard. A speedy trial is a constitutional right of one accused of crime. The southern district handled, for example, during the fiscal year 1938 on the general-motion calendar 4,588 motions, 2,851 bankruptcy motions, and 2,211 discharges and compositions in bankruptcy. From July 1, 1938, to March 1939 there were 4,199 general motions, 2,188 bankruptcy motions, and 1,352 discharges and compositions.

During the same period there was an avalanche of naturalization cases. There were 16,697 petitions for naturalizations. The court is woefully behind in handling naturalization proceedings. Applicants ready and anxious for citizenship must wait 2 years at times after filing their applications for final papers, due to the tremendous amount of work the judges are called upon to perform, and which superabundance of labor precludes appropriate asssignments to the naturalization part.

It is rather anomalous that we hear frequently in the House many outcrys against the tardiness of aliens in embracing citizenship ,and then we have hesitation to appoint additional judges to take care of these aliens pleading for citizenship.

Judge Knox, an able, fearless, and hard-working jurist, testified before the Senate Judiciary Committee that the criminal docket is loaded with cases that cannot be tried for many months. We have a courageous and energetic United States attorney—Mr. Cahill. He has struck at criminality in our district some hard, telling blows, so that New York is no longer a safe place for crooks and malefactors. We stay his hand if we do not cooperate by supplying judges to try the cases he prepares. We cannot bring criminals to book without judges.

At the present time one judge assigned to the criminal part is trying the McKesson-Robbins case, with many defendants. That case will take months to try. There are many such cases awaiting trial. There are scores of mail-fraud cases awaiting trial. There are not enough judges to go around. There are many fake insurance claim proceedings involving physicians and lawyers. These are important trials, involving bogus claims on disability policies. These cases will undoubtedly result in verdicts of guilt. They should be tried speedily. They cannot unless we help.

How about the many cases under the Jones Act, where men are injured on ships. These suits might be brought elsewhere, but are attracted to New York because of larger verdicts in New York than are obtained elsewhere.

There are hundreds of reorganizations under 77B. New York is a veritable vortex of such cases—New York, with all its hotels and apartment houses, which are primarily the subjects of reorganizations.

The case load per judge is over 375 cases, more than 1 a day. That load is staggering.

Statistical data for New York's southern district are as follows:

The judicial conference in September 1938 recommended the creation of two additional district judgeships for the southern district of New York.

The State of New York is divided into four districts—eastern, western, northern, and southern.

The southern district comprises two of the counties (New York and Bronx) composing New York City, the Hudson River Valley counties as far north as, but not including, Albany County, as well as Sullivan County, which adjoins Pennsylvania.

There are 11 judges in this district. A twelfth judge was authorized by section 4, paragraph d, of the act of May 31, 1938 (Public Law No. 555), which also contained a provision that the first vacancy occurring in any of the other 11 positions should not be filled. Recently one of the district judges—Judge Patterson—was elevated to the circuit court of appeals, and legislation is needed to permit this vacancy to be filled. Such legislation is recommended.

The number of civil actions filed is growing. It was 2,675 for the year ending June 30, 1937, and 3,235—an increase of almost 600—the following year.

During the past few years there has also been a marked increase in the number of criminal proceedings in this district. In the fiscal year ending June 30, 1936, there were 779 criminal cases filed; in 1937, 920; in 1938, 1,183; and for the first 6 months of the current fiscal year, 581. In addition, during the last 2 years there has been an increase in the number of civil actions filed. The number of pending cases has increased.

Thus, on June 30, 1937, there were 4,059 cases pending; on June 30, 1938, 4,318; and on December 31, 1938, 4,476. This indicates that the judges are unable to keep abreast of the work, because new cases come in faster than the old ones are disposed of.

The dockets are considerably in arrears. As of June 30, 1938, the law dockets were 3 months and the equity dockets 11 months behind. A year previous the condition was much better.

Cases in U. S. District Court for the Southern District of New York, July 1, 1935, to Dec. 31, 1938

	Fiscal year ending June 30, 1936				Fiscal year ending June 30, 1937		
	Pending June 30, 1935	Filed	Terminated	Pending June 30, 1936	Filed	Terminated	Pending June 30, 1937
Private litigation	3,603	2,268	1,963	3,908	1,980	3,028	2,860
Civil cases to which the United States is a party	981	782	845	918	695	897	716
Criminal cases	499	779	787	491	920	928	483
Total, except bankruptcy	5,083	3,829	3,595	5,317	3,595	4,853	4,059
Bankruptcy	2,948	3,038	2,629	3,357	2,908	2,954	3,311
Grand total	8,031	6,867	6,224	8,674	6,503	7,807	7,370
Average cases per judge, this district:							
Civil, except bankruptcy	----------	381	351	----------	243	357	----------
Criminal	----------	97	98	----------	84	84	----------
Average cases per judge, all districts:							
Civil, except bankruptcy	----------	248	261	----------	196	225	----------
Criminal	----------	229	232	----------	215	215	----------

Cases in U. S. District Court for the Southern District of New York, July 1, 1935, to Dec. 31, 1938—Continued

	Fiscal year ending June 30, 1938			6 months ending Dec. 31, 1938		
	Filed	Terminated	Pending June 30, 1938	Filed	Terminated	Pending Dec. 31, 1938
Private litigation	2,392	2,427	2,825	1,057	1,101	2,781
Civil cases to which the United States is a party	846	819	743	502	365	880
Criminal cases	1,183	916	750	581	516	815
Total, except bankruptcy	4,421	4,162	4,318	2,140	1,982	4,476
Bankruptcy	2,983	3,008	3,286	1,293	1,267	3,312
Grand total	7,404	7,170	7,604	3,433	3,249	7,788
Average cases per judge, this district:						
Civil, except bankruptcy	294	295	--------	130	122	--------
Criminal	108	83	--------	48	43	--------
Average cases per judge, all districts:						
Civil, except bankruptcy	183	209	--------	92	92	--------
Criminal	188	189	--------	91	90	--------

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. HANCOCK].

Mr. HANCOCK. Mr. Chairman, this bill has the lukewarm support of myself, as well as most of the other members of the Judiciary Committee, I believe.

I am extremely reluctant to vote for a bill increasing the membership of the district courts of the United States. I hate to see the Federal pay roll going up day by day, the pay roll of the Army and the Navy, the classified service, the unclassified service, the permanent part of the Government, the temporary agencies of the Government, and the judiciary itself.

When the prohibition law was repealed we all had reason to believe that the burden on the Federal courts would be considerably lightened. Such has not been the case. During the last 7 or 8 years there has been a very flourishing bankruptcy business in the United States courts, many corporations have been reorganized, a great many new criminal statutes have been placed upon the books, and the various New Deal agencies set up to control business have forced business to go to the courts to fight for their lives. I think the appropriate title for this administration will be "The Era of the More Abundant Strife." At any rate, the litigation in the courts has steadily increased.

We are limited in our knowledge of the needs of the courts almost entirely to the report of the judicial conference, the recommendations of the Attorney General, statements from the various bar associations, and the Representatives in Congress in districts where new judges are requested.

We have an extremely conscientious subcommittee that studied this question, studied the statistics, and reached a conservative conclusion. I have complete confidence in the judgment of the chairman of this subcommittee the gentleman from Pennsylvania [Mr. WALTER] and the ranking Republican on the committee the gentleman from Iowa [Mr. GWYNNE]. I am perfectly willing to abide by their judgment. They have found that these five district judges are necessary. They have specifically recommended against including an extra judge in the State of Oklahoma, and I think when the committee amendment to strike out that item of the bill is reached the House ought to support the committee. I understand that the gentleman from Oklahoma on the committee [Mr. MASSINGALE] has changed his mind about the necessity for this judge. Formerly opposed to an additional judge, he is now to ask that that provision be retained in the bill. I may say, in passing, that the State of Oklahoma now has 4 district judges with a population of a little over 2,000,000. My own northern district of New York has the same population or a little more than the State of Oklahoma, and we get along very nicely with 2 Federal judges. I see no justification whatever for giving Oklahoma five when two can do the business in New York State.

As the gentleman from Michigan has suggested, it is not entirely a matter of population; it is the amount of litigation that should be the determining factor, but it is well to bear in mind that the northern district of New York borders on Canada, and we have many deportation cases in our district court. It is also a manufacturing State, which means we have much patent litigation. It is in the heart of the industrial East, where there is a great deal of litigation caused by diversity of citizenship. I think, as a general rule, an industrial section of the country has more litigation than a rural section, because there is more business.

I hope we will not accept any amendments outside of those recommended by the committee, because their report is the result of very careful study. There is always a temptation for Members of Congress to offer amendments to get additional judges for their own districts, and I hope the House will resist such efforts. There are a number of us who cannot vote for the bill if it is loaded down beyond the committee recommendations.

As I said at the outset, this bill has my unenthusiastic support, and I think that is the general feeling. I am going to vote for it, though with some hesitancy, exactly as the committee have reported it, and I hope it will be the last judgeship bill reported to the Congress for many years to come.

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. MARTIN J. KENNEDY].

Mr. MARTIN J. KENNEDY. Mr. Chairman, the Representatives from New York are deeply interested in the pending bill because our district court calendars are growing longer, and the present personnel of the court seems unable to promptly dispose of much urgent business. I would like to see five additional district judges appointed for the Southern District of New York instead of just one as is provided by this bill. I believe we should also have an additional circuit court judge. An increase in the number of judges seems to be the only solution to the problem of crowded calendars and long delays.

It would seem that, year after year, our local district courts are lapsing into a slower pace. They are continually falling behind in the disposition of important business and unless we take action the situation will become unbearable. My colleague the gentleman from New York [Mr. CELLER] spoke about the great amount of work in the southern district. The gentleman mentioned a few big Government cases that are occupying the full time of some of our district judges, and at the rate the judges have been proceeding they will probably take the rest of their lives to try them. The judge assigned in these special cases are very estimable gentlemen, but they are quite old and do not appear to be in any rush to finish the cases.

Many of these cases being prosecuted by the Government and requiring the full time of a judge could and should be tried in other districts. For some reason best known to the Attorney General they are moved into the southern district of New York. As a result, New York is busy doing the work of every other district and its own. Only a few weeks ago another one of our judges was assigned to the Associated Gas case. This case originated up-State New York, but by some agreement it was transferred to our district. This case involves millions of dollars, and you can readily see how this judge will be required to devote practically all of his time to advising with the trustees and hearing the many motions arising out of this litigation.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. MARTIN J. KENNEDY. Yes.

Mr. CELLER. Also, the judicial conference recommended two additional judges, although this bill complies with only half of that request.

Mr. MARTIN J. KENNEDY. I would like to see at least five judges created by this bill. One Member, in speaking today, introduced the subject of politics in connection with this bill. He intimated that it would mean jobs for Democrats.

This is not so, because when the President recently had a vacancy in the circuit court he appointed a Republican and passed over the Democrats on our district bench. We have a senior judge in our jurisdiction who is a Democrat, appointed by Woodrow Wilson, but he finds time to go around delivering speeches condemning not only the administration but everyone connected with it. Certainly there is no politics as far as we New York Democrats are concerned. I hope the Members will give serious thought to this bill and help us create additional facilities in our jurisdiction. I wish all of you gentlemen who are not especially interested, because your State is not to have any judgeships under this bill, will consider the problem of our courts in the southern district and vote favorably, so that my home district may obtain these much-needed additional judges. [Applause.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. SPRINGER].

Mr. SPRINGER. Mr. Chairman, the bill now before the House has been very carefully considered by the subcommittee of the Committee on the Judiciary, and I desire to take this opportunity to express my appreciation of the ability and integrity of the chairman of the subcommittee, who has handled this particular legislation, the gentleman from Pennsylvania [Mr. WALTER]. In this bill we have provision for one circuit judge in the sixth circuit. That question was determined originally by the subcommittee at the time it considered the bill. An amendment will perhaps be offered by the committee providing for a circuit court judge in the eighth circuit. I propose to vote for it and fully support the committee in that proposed amendment. This bill provides for five additional district judges. There will probably be two amendments, one providing for an additional district judge in Oklahoma and one in the State of Florida. I shall compare briefly for your consideration the question respecting Oklahoma and some of the other States in which we have a less number of judges than they now have in the State of Oklahoma. In the State of Oklahoma, as I understand it, there are now four district judges, who serve a population in that State of approximately two and a third millions of people. I turn to my own State of Indiana, having a population of more than 3,000,000 people and we have in that State two district judges—one in the northern district of Indiana and one in the southern district, both of whom are alert and active in the disposition of the business of the court. Those two district judges, in my own State, take care of and handle the tremendous volume of business in the courts in that State. As I understand, in the State of Oklahoma, they have the two districts with two judges in one district and with one roving judge who sits in the other districts and aids in handling the judicial business in part, at least, in those particular districts. They are abundantly equipped in that State at this particular time, and at the time this bill was considered, my fine colleague the gentleman from Oklahoma [Mr. MASSINGALE] expressly stated before the committee that the extra judge was not needed in that State. Since that time, however, he has stated that he has asserted the well-known prerogative and has changed his mind in that respect. However, the volume of business in the State of Oklahoma, as it appears from the records, fails to justify an additional judge in that State. The four judges there at the present time are certainly able to handle all of the business in that State.

Also, in the State of Florida it is expressly stated, and the subcommittee had a statement before it, and the whole committee had the same statement before it at the particular time it considered this measure, that there was no necessity for an additional judge in the State of Florida.

As I understand, in that State one of the judges has practically reached the age of retirement. That retirement will occur in a short time. That judge will retire and a new judge will be appointed to take his place, and then they will be equipped to handle all the business in the State of Florida. One of the judges, Judge Holland, of Miami, as I understand, has been ill. That is only temporary, and with the new appointment in the not far distant future, they will be well equipped to handle all of the business coming before the Federal courts in the State of Florida.

I propose to support the committee in this matter with respect to the creation of these courts. I am opposed, Mr. Chairman, to the appointment of additional judges where they are not necessary. We have other problems in this country. We have the problem of the unemployed. We have the farmers' problems, which must be solved. The questions which affect labor must be determined, and a just and proper solution made. I am unalterably opposed to the appointment of any additional Federal court judges in districts where they are not absolutely necessary. We can get along without them. [Applause.]

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. EDELSTEIN].

Mr. EDELSTEIN. Mr. Chairman, the gentleman from Indiana [Mr. SPRINGER] has announced his opposition to the appointment of additional judges in districts where they are not necessary. I believe that a careful consideration of the hearings held by the Senate's "special committee to study reorganization of the courts of the United States and reform judicial procedure" on April 17, 1939, would convince him of the necessity for the appointment of an additional judge for the Federal District Court of the Southern District of New York. I come from that district. I have only been a Member of this House for a period of 3 weeks. However, for 29 years I practiced very extensively before the Federal court of that district. From my experience I can affirm without hesitation or qualifications that that district needs the additional judge recommended by the House Judiciary Committee. I am surprised that the committee reported in favor of only one additional judge. I believe that the southern district could easily use five additional judges. I would like to see the time when this will be done.

The southern district of New York is a unique district in our Federal court system. In territorial extent it is one of the smallest. In the size of business that it handles, year in and year out, it is one of the largest. In complexity of cases which come before it, it exceeds any other court. As you all know the southern district of New York has within it the financial capital of the United States, if not of the world. It has jurisdiction in admiralty over the enormous shipping activities carried on in the port of the city of New York. Numerically, it has more district court judges than any other district, but in comparison with the amount of business handled, the number is absolutely inadequate.

Let me point out to the Members of this House in some greater detail the different types of cases which exist in this district in large number and which rarely arise in any of the other districts. In the first place the Antitrust Division of the Department of Justice is instituting most of its very important prosecutions under the Sherman Act in this district. The long heralded prosecution against the motion picture industry is now pending in this district. This case is not one that will be disposed of in a day, a week, a month, or possibly even in a year. Other antimonopoly prosecutions will also be instituted in this district, I understand, whenever there are sufficient facts to lay a proper venue for bringing the suit in the southern district of New York.

Under the Judicial Code citizens of another State residing in New York are given the privilege, when sued by a resident of New York, to remove cases begun in the State courts into the Federal District Court of the Southern District of New York. Most of the corporations whose offices are located in the financial and business sections of New York City have their domicile in some other State. The tremendous amount of litigation which naturally flows from their contracts and their torts provides much of the case load in the southern district. Many of the negligence actions which could well be begun in other jurisdictions are brought in the southern district court. This situation does much to swell the aggregate number of cases on the calendar in the southern district of New York.

I have already referred to the obvious fact that the southern district contains the financial center of this country. In recent years a tremendous number of cases in bankruptcy, which includes 77B proceedings for reorganization of realty corporations and industrial corporations, have been instituted in the southern district of New York. Although these proceedings can be handled somewhat more expeditiously than equity cases, since most of them involve corporations whose assets are in the tens of millions of dollars, the proceeding is likely to continue anywhere from 1 to 3 years. This is in addition to the usual run of bankruptcy cases arising out of ordinary small business.

Finally, let me refer to the condition of the criminal calendar. New York City, because of its close relation to business enterprises, has many cases of use of the mails with intent to defraud. There are also criminal cases which are likely to arise in any metropolitan center of population.

The calendar steadily falls behind. This is in no sense a criticism of any of the hard-working judges who are members of the southern district court. I know that these judges, in an effort to keep up with their work, after sitting on the bench all day—and they do not adjourn on the minute—come back to their offices in the evening and on Saturday afternoons and Sundays to take care of the work which has piled up, to study cases they have heard, and to prepare their decisions and opinions. Nor is it an attack upon the handling of these cases by the United States attorney for that district, who, with his capable assistants, has been solicitous of the constitutional rights of those who have been accused of crime.

The district attorney and his assistants are aware of this distressing condition. They spare no effort to minimize it as much as possible. They work nights, Sundays, and holidays, but if there are not enough judges to hear the cases their endeavors go for naught.

Notwithstanding the strenuous efforts of the judges and the United States attorney for that district, those who are accused of crime and who cannot furnish bail, are being deprived of the right guaranteed to them by the sixth amendment of the Constitution of a speedy trial. They must stay in jail for a considerable period of time, while those who are fortunate enough to raise bail, can walk the streets free. If some of those who are held in jail until tried are found not guilty, there is no redress for the prison term they have served.

Considerations of justice should move this House to provide for an additional judge for the southern district of New York so that these cases of hardship will be eliminated as much as is humanly possible. We can do no less than that at this time. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. VREELAND].

Mr. VREELAND. Mr. Chairman, at the outset I want to say that while I was not a member of the Judiciary Committee at the time this matter was considered, I have since become a member of that committee and I have sufficient confidence in the chairman and members of the subcommittee to go along with their judgment on the measure.

For a minute let us consider, if we may, what brings about the necessity of an additional judge. I speak of New Jersey alone, because as a member of the bar of that State I am fairly familiar with the situation. In these times of stress and economic difficulties that have arisen in the past few years we lawyers—and I include myself in that category—have been inclined to start cases in some instances where we might have tried to settle or perhaps thought twice before we did start the action. As a result, there has been a very great congestion in the calendars of our courts, not only the Federal courts but the State courts. Also there has been considerable increase in bankruptcy, reorganization, criminal, and the many various types of cases that the Federal courts handle. As that calendar has increased, the number of judges have not increased, nor has the staff been increased in the Federal departments. The attorneys general and the assistant district attorneys have not had an increase in their staff, yet there has been an increase in the criminal cases before the Federal courts.

We attorneys know—and perhaps this is an admission out of school that I should not make—that in the rush of business and public life sometimes when the court calendar is made up for the trial day we can find many thousands of excuses why we should not try our case on that particular day, and have it postponed. After all, the court must set a calendar in order to function. When we postpone these cases, sometimes the judges are left without any cases to try on that day, further congesting the list. New Jersey is not any exception. Being as close as it is to the metropolitan section and New York City, our calendar has increased alarmingly. In 1938 we suddenly found a very peculiar situation. With our calendar increasing daily, there was a vacancy created by reason of the elevation of Judge William Clark to the circuit court of appeals. Immediately the powers that be in the State tried to determine who might be the probable or possible successor. Unfortunately, those who would have the choice of naming that person did not agree. I may say, incidentally, that it was in the newspapers, so it is public property. They did not agree for 18 months, during which time the calendar increased daily and the cases were not tried. Because of the clamor of the citizens of our particular section, the civil cases took precedence over the criminal cases and few days could be given for such trials.

At this time I want to commend our assistant United States district attorney, Hubert Harrington—he is a very close friend of mine—for the admirable work he has done in trying to relieve the condition. Working day and night and being able to devote only 1 or 2 days a month to criminal cases, he has kept the calendar down to a minimum, as the figures will show. He tried 327 criminal cases in a period of a year.

Then there was an appointment. Incidentally, during the entire time that there was a disagreement on the appointment of the judge, a special appeal was made for an additional judgeship in New Jersey. No one paid any particular attention to the fact that there was a vacancy which had not been filled. Then, 18 months afterward, after the calendar had piled up for the lack of this one judge, a new man was appointed; and let me say that the ultimate choice was worth waiting the 18 months to have him appointed, because Judge Thomas Walker is one of the finest men I know, a classmate of mine, and will make a good addition to the Federal court.

Mr. THOMAS of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. VREELAND. I yield.

Mr. THOMAS of New Jersey. Is it not true that much of the congestion in New Jersey is due to the vacancy which existed over a period of months?

Mr. VREELAND. Considerably.

Mr. THOMAS of New Jersey. And that just as soon as that vacancy was filled the congestion began to disappear.

Mr. VREELAND. The gentleman is right.

Mr. THOMAS of New Jersey. So there is really no necessity for the additional judgeship in New Jersey such as there was while the vacancy existed.

Mr. VREELAND. I disagree with my colleague from New Jersey on that point. I do not feel that this vacancy should have occurred, but it did occur, unfortunately, and we are advised cases have piled up so that an additional judgeship is necessary to serve our litigants, to take care of the criminal cases that are awaiting trial, and to take care of the interests of the United States Government.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 2 additional minutes to the gentleman from New Jersey.

Mr. VREELAND. I am, however, going along with this mainly for the reason that the additional judgeship is temporary. I believe firmly, after the congestion has been relieved and the calendar cleared, four judges can handle the job, just as has always been done.

Mr. HART. Mr. Chairman, will the gentleman yield?

Mr. VREELAND. I yield.

Mr. HART. Answering our good friend and colleague the gentleman from New Jersey [Mr. THOMAS], will the gentleman permit me to read a statement by the presiding judge of the district court with reference to the need for the five judgeships, despite the vacancy?

Mr. VREELAND. I would like to very much, but I have only 1 minute left.

Mr. HART. I appreciate the gentleman's lack of time, but I have a statement from Judge Fake showing why an additional judge is necessary despite the filling of the vacancy.

Mr. VREELAND. I also want to point out, Mr. Chairman, if I may, that while the figures which have been quoted of 3,284 cases pending are staggering, nevertheless 1,804 of these cases are bankruptcy actions. We attorneys know that in bankruptcy the referees handle most of the cases, and, in fact, are not usually heard by the judges.

Mr. KEAN. Mr. Chairman, will the gentleman yield?

Mr. VREELAND. I yield.

Mr. KEAN. The gentleman seems to be using the same figures which were criticized by the able chairman of the committee when I used them. Will the gentleman tell us where he got these figures?

Mr. VREELAND. These figures were sent to me by Administrative Assistant to the Attorney General Thomas D. Quinn.

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. MONRONEY].

Mr. MONRONEY. Mr. Chairman, in this brief time I shall try to explain the Oklahoma judgeship situation.

The impression has been left by certain Members that this is just an afterthought on the part of Oklahoma. I have studied the report of the judicial conference, signed by Chief Justice Hughes, and I find that Oklahoma is just as strongly mentioned therein as is any other State.

Attention has been called to the fact that Indiana requires but two judges, whereas Oklahoma, with a similar population, requires four. Let me remind you that Oklahoma is a new State, and within her borders is approximately one-half of the Indian population of the Nation. Practically all litigation involving Indians must go through the Federal courts, both cases with respect to the person of the Indian as well as to his land and property. Indian land titles present one of the most complex questions of law that any court can be called upon to decide.

In some instances it involves old tribal customs which must be studied. Since the Federal Government has made Oklahoma the home of the Indians and put upon us the duty of trying these cases in the Federal court, our load naturally is heavy.

The 4 Oklahoma judges in 1938 terminated 2,090 cases. Virginia, with a population almost identical with Oklahoma's, has 4 judges and terminated 1,345 cases. Oklahoma terminated 645 cases more than Virginia. Louisiana, with a comparable population and 4 judges, terminated 1,173 cases; in other words, Oklahoma terminated 817 more cases. Tennessee, with a population comparable to Oklahoma and with 4 judges, terminated 1,442 cases; in other words, Oklahoma terminated 548 more cases. The number of cases terminated by the 4 Oklahoma judges was 2,090 against an average for these 3 other States of 1,320 cases. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. JENKINS].

Mr. JENKINS of Ohio. Mr. Chairman, practically every Member who has spoken this afternoon on the pending bill is a member of the Committee on the Judiciary. I yield to no one in my respect for the Judiciary Committee, but today we have seen an example of one of the great committees coming in with a bill upon which there has been no unanimity of opinion on the part of the committee for it. I have seen member after member of this great committee take the floor this afternoon and apologetically say he expects to support this measure; but he says he is not completely sold on it. This confirms an opinion that I have had for some time, which is that providing new judgeships and filling them is done without the consideration that such important matters should have.

There are those of us who have been against this judgeship racket for years. Now is the time for us to rally together and beat this poorly prepared measure. Let us remove this uncertainty in the minds of these fine brethren on the Judiciary Committee. Let us take the position that we do not need any more judges until it can be shown conclusively that we need them. So long as such a large number of these splendid fellows do not agree, then it is our duty to act cautiously and vote "no." We have voted many additional judges for New York, but the more judges that are given to New York the more they want. The more you give to Ohio the more they want. There has been no definite or persuasive facts or figures set forth here today that we need more judges any place. I take the position that we do not need these judges. I am a lawyer also and I have practiced a great deal in the United States courts. I have the highest regard for those courts, but there is no use rushing into something when we are not sure of our way.

What we need in connection with the selection of judges is to select better judges. Occasionally men are selected as judges who have seldom ever tried a lawsuit. We have seen a fine example of that in the last year or two when men have been elevated to the Supreme Court, some of whom have never been recognized as practicing lawyers.

Some of these men who have been appointed judges throughout the country also have not been considered as real lawyers. Of course such men cannot dispatch the business of the court. They do not know how to do it. I can give you an illustration of how these courts are loaded down with men who should not have been appointed. I know a man who I think is in the process of being prepared for a place on the Supreme Court, and if anybody wants to ask me who it is I will tell him. I have seen him appointed as counsel for the T. V. A. investigating committee. I have seen him perform that service, just as his master told him to perform. Was he rewarded for his tractable and servile service? I can only suggest that he received an appointment to a place on the circuit court of appeals of the United States. He received this appointment almost before he had finished his work helping whitewash the T. V. A. How long did he hold this most honorable position of circuit judge for the United States? He only held it for a few months. They resigned him from that high and honorable place at the behest of the administration to accept a place as Solicitor General of the United States—that place is not to be compared to a place on the highest court next to the Supreme Court—and I think he is being prepared for the Supreme Court of the United States. I am opposed to that sort of method of picking judges. I am opposed to that way of handling our courts. Why do we not rise up here this afternoon and defeat this proposition? Let us put it aside for a while. We can get along without any more judges at this time, and when we have done that we will have done what our constituents want us to do, what we ought to do and we will have done right. [Applause.]

Mr. COCHRAN. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Missouri.

Mr. COCHRAN. Does the gentleman from Ohio [Mr. JENKINS] challenge the report of the judicial conference wherein it is stated that there is a need for another judge in the gentleman's circuit?

Mr. JENKINS of Ohio. I have great respect for the judicial conference. But there are several things involved in putting a man on the bench. In the first place, you need a competent man, and in the second place he should be put on there in the right way. I am not ready to say that we need another judge in Ohio. For instance, one of the persons appointed to the Federal bench from Ohio had not tried a case for many years, yet he was appointed on the circuit court of appeals to decide the important matters that claim the attention of that court. This is not a wise course to pursue.

Mr. COCHRAN. We are not considering the appointee. We are considering the recommendation of the judicial conference.

Mr. WALTER. Will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from Pennsylvania.

Mr. WALTER. The gentleman has referred to the distinguished Philadelphian, Francis Biddle?

Mr. JENKINS of Ohio. Yes.

Mr. WALTER. It is too bad the gentleman did not read the speech delivered at a dinner recently by George Wharton Pepper, one of the leaders of the gentleman's party, extolling Mr. Biddle.

Mr. JENKINS of Ohio. I probably know as much about that matter as does the distinguished gentleman to whom my friend refers. I have no desire to discuss personalities. I say that the selection of Mr. Biddle to the court of appeals was not above unfavorable comment, and that the withdrawing him from the court and putting him in another position does not reflect credit on him or those at whose beck and call he responds, and it is almost an insult to the high judicial position with which the parties were playing hide-and-seek.

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BELL].

Mr. BELL. Mr. Chairman, I want to call attention to the need for additional circuit judges in the eighth circuit. The work of that circuit has been very, very heavy for a long time. The appellate work in that circuit has been such that it has been necessary to call members of the district bench, already overburdened with duties of the district courts, to assist on the circuit bench. This is not a good condition.

May I say a word about the Committee on the Judiciary? I have watched its work in connection with this bill and I feel that committee has approached the subject purely from the standpoint of the needs of the people of this country. One of the most vital needs of every people is justice, and a justice which is not delayed. Justice delayed is justice denied. In spite of the tireless efforts, the industry and ability of the splendid judges who occupy our Federal bench, justice will be delayed and denied unless we provide a sufficient number of judges. Whenever we are so niggardly in our appropriations and in our arrangements for the judiciary of this country that we do not provide a sufficient number of judges to do the work carefully, thoughtfully, and in an orderly manner, we are denying justice to the people of this country. I do not think the Congress wants to do that. So I urge the Members here to vote for the pending bill because I think it is a very good bill.

Mr. COCHRAN. Will the gentleman yield?

Mr. BELL. I yield to the gentleman from Missouri.

Mr. COCHRAN. May I suggest to my colleague that he also bring out the fact that unfortunately the two retired judges in the eighth circuit are now physically unable to answer the call to serve in emergencies, which requires the eighth circuit at the present time to call upon the district judges in that circuit? That certainly is a very bad practice and the judicial conference recognizes that fact and recommends two additional judges.

Mr. BELL. I am familiar with that condition, and it is a condition that needs remedying.

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. GIFFORD].

Mr. GIFFORD. Mr. Chairman, following the gentleman from Ohio [Mr. JENKINS], I want to remark that it appeals to me that the committee has made a good report and has, perhaps, proved to us the need of these additional judgeships. They have been very polite, indeed, and very careful not to discuss the practical situation as to how and by whom these judges are to be appointed. We are well informed as to the appointments already made by this administration. I listened yesterday to your side say that they refused a large number of appointees and funds to the old Librarian of Congress because a new Librarian was coming in. Why not be as courteous today and wait for the new President to come in within a few months? We certainly have had enough of a certain type of judges. That is what causes present objections. I believe it is proper and a fair criticism, and that we may warn ourselves that, although the need may exist, "what may we get?"

Mr. WALTER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. CAMP].

Mr. CAMP. Mr. Chairman, I was surprised this morning to find that some Members do not believe there is any need for certain of these additional judgeships. I ask your indulgence for a few minutes to tell you of my experience in the northern district of Georgia. I came directly from the district attorney's office in that district to this House last August, having served more than 5 years there as assistant United States attorney. In the northern district of Georgia we tried, during the year ending July 30, more than 1,100 cases. We have only one judge and during that year we constantly had with us visiting judges. Judge Kennemer served almost half his time there, coming from Montgomery to assist Judge Underwood in that court. Judge Barrett and Judge Deaver spent almost a third of their time in disposing of this large number of cases.

You may ask why so many cases are tried there. It is mostly because of the heavy habeas corpus docket. We have, in Atlanta, the Federal penitentiary, and there are more than 3,600 prisoners there constantly. Almost every one of these men files an application for a writ of habeas corpus, and the judge has tried more than 300 habeas corpus cases each year for the last 5 years; the hearings on some of the cases lasting several days. The hearings in the famous Al Capone case, the Beard case, the case of Lupo the Wolf, and the Farnsworth case, all took a long time. If you will look at the records you will see that this district court has tried more habeas corpus cases than all the other United States district courts combined.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentleman from Pennsylvania.

Mr. WALTER. Is not the Atlanta Penitentiary in that district?

Mr. CAMP. Yes; that is what I am speaking of. All these cases come from the Federal penitentiary.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentleman from New York.

Mr. CELLER. As a member of the Committee on the Judiciary, may I say that I emphatically agree with what the gentleman says. May I say, also, that there has been no increase in the judicial personnel in Georgia since the act of May 28, 1926.

Mr. CAMP. May I also say that within the northern district of Georgia lies a great Federal reserve, known as Chickamauga Park. There is a peculiar law in effect, giving to the Federal courts exclusive and original jurisdiction over that area. Therefore, the district court in the northern district of Georgia has to try even misdemeanor cases originating in that great tract of land.

Mr. COX. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentleman from Georgia.

Mr. COX. While I believe a great many of our Federal judges are little more than fancy loafers, and while I do not like the philosophy of a great many men who have been promoted to the Federal bench, I am familiar with the situation to which the gentleman is addressing himself, and I know there is a real need for relief through the appointment of an additional judge. The inquiry I have made discloses that this situation is true with respect to the other four judgeships provided in the bill.

Mr. CAMP. The judicial conference in September 1938 recommended an additional judge for the northern district of Georgia. Georgia has three districts—the northern, middle, and southern.

The northern district includes the city of Atlanta, one of the most important industrial and railroad centers of the South. The United States penitentiary, known as Atlanta Penitentiary, being there results in the filing of the large number of habeas corpus proceedings. The volume of business in this district is the heaviest of any district in the

United States having only one judge. Judge Underwood, the present judge, is the most overworked Federal judge in this country. During the fiscal year ending June 30, 1938, there were filed in the northern district of Georgia 419 civil actions and 496 criminal proceedings, a total of 915 cases, while the average number of cases filed per judge for the whole country in the same period was 183 civil actions and 188 criminal proceedings, a total of 371 cases. Thus, there were nearly three times as many cases filed before the one judge in this district during the fiscal year of 1938 as was the average per judge for the entire country during the same period.

Moreover, the number of cases pending on December 31, 1938, was 423, an increase of 32 cases over the number pending on June 30, 1938. During that 6-month period 495 cases were terminated, while 527 were filed.

I desire to appeal to you to remedy this situation not only in the interest of justice and fairness, but I ask it for the relief of this overworked judge and the understaffed office of the district attorney.

To keep up with this growing docket and to dispose of this large volume of business it is the custom of the judge when presiding in the divisions of his court outside of Atlanta to open his court early and adjourn very late, often holding court open until after darkness has set in. This has resulted in much inconvenience to jurors, parties, and witnesses who live in the rural sections.

We really need this judgeship. There has been no increase in the judicial personnel of the State of Georgia since the act of May 28, 1926 (44 Stat. 870), which increased the number of districts in the State from two to three.

The CHAIRMAN. The time of the gentleman from Georgia has expired; all time has expired.

The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the President is authorized to appoint, by and with the advice and consent of the Senate, two additional circuit judges as follows:

One for the sixth circuit and one for the eighth circuit.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 1, line 6, after the word "circuit", strike out "one" and insert "two."

Mr. WALTER. Mr. Chairman, this is the amendment that the Judiciary Committee agreed on this morning. I have already discussed the amendment. It provides for two judges in the eighth circuit.

The amendment was agreed to.

Mr. COCHRAN. Mr. Chairman, I want to suggest to the gentleman from Pennsylvania that inasmuch as the amendment has just been agreed to that he move to strike out the word "two" in line 4, and insert "three."

Mr. WALTER. I shall offer a perfecting amendment later.

The Clerk read as follows:

SEC. 2. The President is authorized to appoint, by and with the advice and consent of the Senate, seven additional district judges, as follows:

One for each of the following districts: Southern district of California, district of New Jersey, western district of Washington, western district of Oklahoma, eastern district of Pennsylvania, southern district of New York, and one who shall be a district judge for the northern and southern districts of Florida.

With the following committee amendments:

In line 8, on page 1, strike out "seven" and insert "five."

In line 11, on page 1, after the word "Jersey", strike out the remainder of the line, and all of line 1, on page 2, and insert "northern district of Georgia."

On page 2, line 3, after the word "New", strike out the remainder of the line and all of line 4, and insert "York: *Provided*, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled."

The committee amendments were agreed to.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: On page 1, line 11, after the word "California", insert "northern district of Illinois."

Mr. WALTER. Mr. Chairman, while this amendment is not recommended by the judicial conference, nevertheless it appealed to the members of the Judiciary Committee who gave considerable thought to this proposition that certainly there ought to be a temporary judge provided immediately for the northern district of Illinois. This need arises from the incapacity of one of the judges, who is past retirement age. This judge has not been on the bench for many months, with the result that the criminal cases have increased from 150 pending on the 30th of June 1938, to approximately 300 today. All of the cases in that district have increased from a grand total of 3,900 to 4,288.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. WALTER. Yes; certainly.

Mr. KEEFE. The gentleman has used the words "temporary judge." Will the gentleman explain what he means by a temporary appointment?

Mr. WALTER. By that I mean when there shall be a vacancy due to the death, resignation, or removal of any of the present judges, the vacancy cannot be filled except by an additional act of Congress. All of the judges in this bill are popularly known as temporary judges. The judges themselves are appointed for life, but the judgeship is a temporary position.

I certainly feel that in this case we ought to create this additional, temporary judgeship.

Mr. MICHENER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment has not been considered by the Judiciary Committee, other than as suggested in a meeting of the committee this morning.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WALTER. I would like to call the gentleman's attention to the fact that at the last regular meeting of the committee we did discuss this matter, and the committee agreed to offer this as a committee amendment. The gentleman from Michigan was not at that meeting. We again discussed the matter this morning.

Mr. MICHENER. If the gentleman says that is true, it is true. I did not know I had missed a committee meeting, but I possibly was a little late on some occasions. The other members of the committee would probably know about that, but the fact is, and the real thing to be considered is that the judicial conference has not recommended this judgeship. I am absolutely opposed to all political judges. I go along with the bill when it has the recommendation of the bar association—the people who know—the businessmen of the community—the people who know—the judicial conference, composed of the Chief Justice of the United States and the judges who should know, but I am opposed to political judges, and I am opposed to creating judgeships momentarily or on the spur of the moment here on the floor of the House.

Miss SUMNER of Illinois. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Miss SUMNER of Illinois. It seems to me that the question ought to be commented on whether it is better to appoint these judges now or wait, perhaps, until the next Congress or the next administration comes in. It seems to me that always before this administration, Presidents of both parties have appointed independent men and able lawyers as judges, and it might be, we hope, that the next administration, regardless of party, will adopt that traditional policy.

Mr. MICHENER. For my part, I am a Republican, and I would possibly appoint all Republican judges if they were as capable as available Democrats; but I am saying that the Judiciary Committee is not partisan. I am saying that we have found, after careful study, and as recommended by a Republican Chief Justice, that the country needs these additional judges provided in this bill; and I, for one, am not going to deprive the litigants of the country of the right to have the courts function now, simply because we are going to get a Republican President in 1940. If the Democrats have as

much trouble in selecting judges and in settling their political quarrels about the appointment of judges as they have had in the State of New Jersey, we need not fear any appointments for at least a year, and so I, for one, am ready to start the thing going; but I do think we are going far afield—and I am not talking politics—when we come on the floor and attempt to create new judgeships. Perhaps the majority have the political votes to do that, but you are going to do it by political votes, if you do.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes.

Mr. WALTER. The gentleman does not believe it political where the judge is incapacitated and is in California for his health and has been there for 5 months, and as a result of that the entire calendar has become congested?

Mr. MICHENER. That is possibly true. The judicial conference is going to meet shortly, and the judicial conference will recommend, and if it does recommend that we need that judge there, the gentleman from Pennsylvania knows that I will be the first man to advocate the appointment.

Mr. WALTER. But the judicial conference will not meet again until October.

Mr. MICHENER. But you have your summer vacation right ahead of you. If I were making a speech against this bill and wanted a real excuse, I would say the judges would not be appointed so that they could do anything during the summer anyway. The summer vacation comes very soon; however, we must remember that the next Congress does not convene until next January. Judges appointed now will be available for the fall terms.

The CHAIRMAN. The time of the gentleman from Michigan has expired. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MICHENER) there were—ayes 86, noes 70.

Mr. TABER. Mr. Chairman, I demand tellers.

Tellers were ordered and the chair appointed Mr. WALTER and Mr. TABER to act as tellers.

The Committee again divided and the tellers reported—ayes 105, noes 89.

So the amendment was agreed to.

Mr. COCHRAN. Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. COCHRAN: Page 1, line 11, after the word "Jersey" insert the following: "Eastern district of Missouri."

Mr. COCHRAN. Mr. Chairman, I especially would like to have the attention of the gentleman from Michigan [Mr. MICHENER]. I approve of the method of selecting additional judges when the committee accepts the recommendations of the judicial conference. Such a procedure removes the political issue. Surely we can trust Chief Justice Hughes and his associates.

The gentleman from Michigan said a moment ago to the gentleman from Pennsylvania [Mr. WALTER] that the gentleman from Pennsylvania knows that he, the gentleman from Michigan, would be the first one to support an amendment recommended by the judicial conference. The judicial conference in 1938 and again in 1939 recommended an additional district judge for the eastern district of Missouri. So I hope the gentleman from Michigan will be consistent and not only vote for my amendment, but make a speech for it.

It so happens that included in the eastern district of Missouri is the city of St. Louis. It is one of the greatest railroad centers in the United States. It is not a flag station. No train ever goes through that city. It either is made up there or it ends its run there. We have in our district courts a number of cases where large railroads are in the hands of receivers, and that is taking the entire time of one of our district judges. There is nothing that I can say concerning the situation in the eastern district of Missouri that has not been said by the conference of circuit judges, headed by Chief Justice Hughes. Here is the recommendation—

The judicial conference in September 1938 recommended an additional district judge for the eastern district of Missouri.

Missouri is divided into two districts—the eastern and western. The eastern district is composed of 48 counties and includes the city of St. Louis.

There are two judges in this district, who are assisted a part of the time by the judge authorized by the act of June 22, 1936 (49 Stat. 1804) to serve both the eastern and western districts.

The volume of business is large, and during the fiscal year of 1938 the case load per judge of 406 cases exceeded somewhat the average per judge for the entire country, which was 371 cases. The business is increasing, as appears by the fact that during the fiscal year ending June 30, 1938, there were 515 civil actions and 499 criminal proceedings filed, while during the fiscal year ending June 30, 1937, there had been 425 civil actions and 512 criminal proceedings filed.

Then followed the 1939 recommendation for an additional judge.

If we are going to follow the recommendation of the judicial conference, I think you should accept the recommendation not only for 1938 but also for 1939, and accept my amendment. [Applause.]

Mr. REES of Kansas. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. REES of Kansas. As I understand it, the provision for this judge is not in this bill?

Mr. COCHRAN. It is not in the bill, but it has been recommended by the conference of circuit judges for 1938 and 1939. I introduced a bill immediately following this recommendation.

Mr. REES of Kansas. Did the gentleman appear before the Judiciary Committee and ask for this judge?

Mr. COCHRAN. I did not. I felt there was no necessity if they would follow precedents and would accept the recommendation of the judicial conference.

Mr. REES of Kansas. Does not the gentleman think that it comes with rather poor taste to add these judges on the floor of the House when the Judiciary Committee has not had a chance to give consideration to the question?

Mr. COCHRAN. If there is one Member of this House who has offered amendments on the floor, it is the gentleman from Kansas; and I am just wondering if the gentleman has appeared before the legislative committees on all the amendments he has offered to all bills on this floor before he submitted the amendments. [Applause.]

Mr. ZIMMERMAN. Mr. Chairman, will the gentleman yield?

Mr. COCHRAN. I yield.

Mr. ZIMMERMAN. I would like to ask the gentleman if it is not a fact that the two Federal judges in the city of St. Louis also serve the entire eastern district of Missouri by holding court at stated intervals in northeastern Missouri at Hannibal and southeastern Missouri at Cape Girardeau, and if those courts do not take up a large part of the time of those two judges? Is that not the fact?

Mr. COCHRAN. Yes; that is the fact, as the record will show. They serve a territory with over 2,000,000 people.

Mr. ZIMMERMAN. And I will ask the gentleman if it is not further the fact that, because of the amount of business in the eastern district of Missouri, those judges are months behind in transacting the business on the dockets of those courts?

Mr. COCHRAN. The conference of circuit judges so reports. I do not know that exists; but when the conference says so, I feel the proper answer to the question is "yes."

I do not know the conditions existing in other parts of the country; but I say if there is any district that is entitled to an additional district judge, it is the eastern district of Missouri. It so happens for about 10 days on a recent visit to St. Louis I stayed at a hotel where also stayed the judge who serves part of his time in the eastern district and the other part in the western district of Missouri. I am a competent witness in this matter, because I know this judge worked every night until at least midnight in an effort to keep up with his assignments. That is not fair. Is it any wonder so many of our judges are ill? I do not ask you to provide this judge solely

on my recommendation but on the recommendation of the conference of circuit judges.

In view of that report, I again say I hope the House will accept my amendment. [Applause.]

[Here the gavel fell.]

Mr. MICHENER. Mr. Chairman, I rise in opposition to the amendment.

The gentleman from Missouri [Mr. COCHRAN] questioned my statement made a moment ago as to just what my position was on the recommendations of the judicial conference. The Judiciary Committee has not recommended to Congress in this bill all of the judges suggested by the judicial conference. As I recall, the Missouri judgeship was never before the committee for consideration. Possibly a bill might have been introduced, but these gentlemen certainly did not come before the Judiciary Committee and present their case. Certainly no one else appeared before the Judiciary Committee asking that this judge be included. Certainly the Department of Justice did not appear before the committee and ask that this judge be included. Therefore the Judiciary Committee has not included it.

I always favor a judgeship where that judgeship has been suggested by the judicial conference and where the Judiciary Committee, after careful study, has determined that it is needed. We scan those matters carefully before including them in a bill. The approval of the judicial conference is a prerequisite with me. I stand today squarely for the bill which the Judiciary Committee, after careful consideration, reported to this House. I shall vote against the bill if these political judges are included.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. Yes; I yield to the gentleman.

Mr. COCHRAN. The gentleman has added a proviso to his statement, but I will say to the gentleman that when the judicial conference made its report I immediately introduced a bill to carry out the recommendations of the conference. When the Judiciary Committee of the House considered this legislation, it certainly had before it the report of the judicial conference, not only for 1939 but also the report for 1938. How could I add anything that would have more weight than the statement of the judicial conference headed by Chief Justice Hughes?

Mr. MICHENER. I suggest that the gentleman come before the next Congress and show his interest in the bill. He is one of the most industrious and influential Members and his presence always carries conviction.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. LAMBERTSON. Did the judicial conference ever recommend that two judgeships be consolidated or that any be eliminated, or do they just advise when they need an extra one?

Mr. MICHENER. No; I do not recall that they ever did, but the Judiciary Committee of this House has set up an agency which is now studying this thing and is going to make a report in the next Congress. It is my hope and the hope of every man here, I think, that those judges that are not needed should be eliminated. There are a number of them that were political judges, put on on the floor of this House, just as we are trying to put on this judge under this bill. Where they are not needed they should be eliminated.

Mr. VORYS of Ohio. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. VORYS of Ohio. Is this same organization of your committee that is making this study also studying the matter of additional judges, so that we might wait until that report is presented before acting on this matter?

Mr. MICHENER. They are making an investigation of conditions throughout the entire country. They may report back to the Judiciary Committee and that committee will report a bill to the floor just as soon as it feels one should be reported. Therefore, since there is no politics in the matter and we are not acting as Republicans or Democrats, but as a committee, I think the House should be very cautious about adding additional judges on the floor of this House when they have not been considered by a committee of this House.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. MICHENER. I yield.

Mr. WALTER. The gentleman asked why the subcommittee did not include this judgeship despite the fact that it was recommended by the judicial conference. That was because the statistics which we considered showed a considerable falling off of the work in that district.

Mr. MICHENER. Mr. Chairman, that is the chairman of the subcommittee speaking.

Mr. COCHRAN. When were those statistics prepared?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. MICHENER] has expired.

Mr. CELLER. Mr. Chairman, I move to strike out the last word in order to call to the attention of the membership certain facts which appeared in the hearings on similar bills before the Senate Judiciary Committee.

With reference to the situation in Missouri we find these facts: There are two judges in this district who are assisted part of the time by a judge authorized by the act of June 22, 1936, to serve in both the eastern and western districts. The volume of business is large. During the fiscal year 1938 the case load of 406 cases per judge exceeded somewhat the average per judge for the entire country, which was only 371 cases. In this district, therefore, you have an average case load of 406, whereas the average case load throughout the length and breadth of the land is only 371. It was this very fact which caused the judicial conference, as I understand it, to vote for this additional judge. There may have been a falling off of the number of cases recently, but we know that the case load may fall off one month and increase the next. In the light of these circumstances and this case load, I think it is only reasonable that there should be this additional judge.

Mr. JENKINS of Ohio. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, there is no reason in the world why we should not support the amendment offered by the gentleman from Missouri if we are going to support this bill. I shall be consistent and support neither. Why should not the gentleman from Missouri have an additional judge? He represents the great city of St. Louis. He has made out as good a case as the others. How will he explain to his constituents that you deny him? He told you that the judicial conference recommended an additional judge for the great city of St. Louis, but still you deny him. You allowed an additional judge for Illinois. I hope the gentleman from Missouri [Mr. COCHRAN] will call you to account for discriminating against him.

In the State of Ohio an additional judgeship is needed, so they say. The distinguished gentleman from Cleveland [Mr. CROSSER] stated that he might offer an amendment for an additional judgeship in Ohio; I should be sorry to find myself in opposition to him, but I shall oppose it. This is a poor time to be adding additional expenses. In proof of what I have been saying, let me point out certain language in the bill. Page 1, lines 10 and 11:

> One for each of the following districts: Southern district of California, district of New Jersey, western district of Washington, western district of Oklahoma.

They struck out "western district of Washington, western district of Oklahoma," and they also struck out one who should serve in both the northern and southern districts of Florida. Why did they make that change?

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I am sorry, I cannot yield to the distinguished gentleman at this time.

Mr. WALTER. The gentleman has asked a question. Does he not want an answer?

Mr. JENKINS of Ohio. I cannot yield until I have followed this up. Then, I will let the gentleman answer.

Why did they insert these States and then strike them out? It is just as I stated a while ago, this is simply a logrolling

proposition. Like children playing a game, they put their finger down at random and say, "We will have a judge here, we will have a judge there, and another there." Do we need these judges? Why not send some of those who have little to do to help those who are rushed; that is the way to do it.

Mr. Chairman, we know that we now have enough judges in this country to do this business if they could be sent from one district to another. Let me point out some other language in this bill that needs defining.

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I am sorry, but I cannot yield.

Let me point out certain language on the last page of the bill which it seems to me needs some explaining:

Provided, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled.

What sense is there in this kind of legislating? In effect, it provides for the appointment of a new judge, but provides that if any of the judges at that time serving should quit or die that that vacancy would not be filled. It means that a new judge is needed and will be appointed, and that when he is appointed he will serve for life, and that if Judge A, who is the acting judge, and may be a hard-working, efficient judge, dies soon thereafter, that his place shall not be filled. It would appear that if they needed another judge to assist A, that if A would die they would need another judge to assist the new man recently appointed.

Mr. COCHRAN. If the gentleman will yield, that matter can be explained.

Mr. JENKINS of Ohio. No; I cannot yield at this time, for this language that I read explains itself. And, besides, the gentleman from Missouri is not going to get an extra judge.

Mr. Chairman, I just want to point out the inconsistencies in this language that I have quoted. Why do we not do the rational thing? Why do we not send this bill back to the Committee on the Judiciary and let them come in here after full thought and then if they demonstrated the need of new judges Congress can act. Only two or three of the members of this great committee are really for this measure, some only half-heartedly for it, while several other members of the committee are against it. Why do we not do the right thing, the sensible thing; send this bill back where it came from and let them bring out a real bill, which will command our respect and support?

Mr. CELLER. Mr. Chairman, will the gentleman yield?

Mr. JENKINS of Ohio. I yield to the gentleman from New York.

Mr. CELLER. The gentleman asks why we do not send judges to different districts to try cases. I remind the gentleman that we have reduced allowances to judges for travel expense and subsistence from $10 to $5 a day. How can one expect a judge to go to New York or any large industrial center and live on $5 a day plus travel expenses? It just cannot be done. The judges will not do it because they have to pay too much out of their own pockets.

Mr. JENKINS of Ohio. Just as the gentleman from Michigan told us, if this bill is passed and these judges are appointed, not one of them can get to work before next fall. Why not just wait until next fall before we pass this bill? [Applause.]

(Here the gavel fell.)

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri [Mr. COCHRAN].

The question was taken; and on a division (demanded by Mr. HANCOCK and Mr. MICHENER) there were—ayes 71, noes 77.

So the amendment was rejected.

Mr. TABER. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. TABER moves that the Committee do now rise and report the bill back to the House, with the recommendation that the enacting clause be stricken out.

Mr. TABER. Mr. Chairman, the House has already adopted an amendment which declares that this bill is not necessary. The committee amendment on page 2 says:

Provided, That the first vacancy occurring in the office of district judge in each of said districts shall not be filled.

That committee amendment has been agreed to. Now, how can we tell our constituents that we were justified in voting for a bill to increase the number of judges throughout the country and at the same time place a provision in the bill that they are not needed? It is the most ridiculous bill I have ever heard of.

I have the greatest respect, Mr. Chairman, for the Committee on the Judiciary, but I cannot stultify myself to the extent of supporting a bill which declares on its face that it is not necessary and ought not to be agreed to.

Mr. MICHENER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Michigan.

Mr. MICHENER. This is a common provision in many bills heretofore enacted. The gentleman has stood on the floor and advocated those bills himself. It is only for the purpose of meeting existing conditions and preventing overstaffing the courts as conditions change. The gentleman has supported many similar provisions.

Mr. TABER. I have never once in my career in this House voted for any bill providing for additional judges that contained any such provision as this. Maybe some of them have been passed, but not with my vote.

Mr. HANCOCK. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from New York.

Mr. HANCOCK. May I remind the gentleman of something that happened near home. I refer to the bill that created an additional judge for the northern district of New York, which contained this identical language. The gentleman lives in northern New York?

Mr. TABER. It was not advocated by me.

Mr. HANCOCK. It was necessary because the sitting judge was so old and infirm that he was unable to transact any business. So we thought if we were going to have any court business attended to we ought to have an able-bodied young man on the bench. The additional judge was provided; a younger man was appointed, with the provision that when the older judge died there would only be one judge. That was in the northern district of New York.

Mr. WALTER. Will the gentleman yield?

Mr. TABER. I yield to the gentleman from Pennsylvania.

Mr WALTER. May I call the gentleman's attention to the fact that the language which he has described as ridiculous appeared in a bill passed by unanimous consent while the gentleman was on the floor several years ago.

Mr. TABER. That may be so, but I do not know of it. It was not passed with my knowing that language was in there. I do not see how the House can possibly vote for a bill that absolutely declares right on its face that it is unnecessary. I cannot do it. I do not know what the rest of you are going to do.

The judge from northern New York referred to is still on the bench and holds court every day 10 years after the bill was passed.

Mr. Chairman, I hope the motion to strike out the enacting clause will be agreed to, which will put an end to this bill.

[Here the gavel fell.]

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 67, noes 88.

So the motion was rejected.

Mr. WALTER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 2, line 3, after "New York", insert "and one who shall be a district judge for the northern and southern districts of Florida."

Mr. TABER. Mr. Chairman, I make the point of order that that particular language has already been stricken out of the bill by action of the committee. It has already been disposed of once by the committee. The committee acted on this identical language.

Mr. PETERSON of Florida. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The point of order raised by the gentleman from New York [Mr. TABER] does not come too late, because no debate has occurred on the amendment.

The Committee of the Whole acted on a committee amendment striking out this identical language; therefore, the point of order is sustained.

Mr. KEEFE. Mr. Chairman, I move to strike out the last word so that I may secure some information before finally voting on this bill.

Mr. Chairman, I refer specifically to the language found on page 2, at the end of the bill. May I ask the chairman of the subcommittee if he will be kind enough to state just how many of the proposed new judges provided in this bill, including the amendment adopted here, will take the places of judges who are now incapacitated through illness or disease or inability to perform their work?

Mr. WALTER. There are two. In the other cases the additions are required because of congested calendars.

Mr. KEEFE. It appears then that the thinking of the committee is based on the theory that because there are two judges who for some reason or other are incapacitated, there must be other judges appointed to do their work?

Mr. WALTER. Oh, no. The committee feels that the American citizens are entitled to the justice that they can get only through a speedy trial. In the case of some of the districts we have considered, it takes 38 months to get a case tried, and we do not think that is justice.

Mr. KEEFE. If the gentleman will confine himself to answering my questions, I would appreciate it. I am asking for information, if I can get it.

Two of these judges are incapacitated, yet you expect to provide additional judges in those districts in order to do the work these judges are not able to do.

Mr. WALTER. That is right.

Mr. KEEFE. If the judge who is incapacitated finally dies or resigns, that vacancy will not be filled?

Mr. WALTER. Precisely.

Mr. KEEFE. Then, as far as the judgeships in the districts where additional judgeships are asked, based on the overcrowding of calendars and overwork are concerned, there certainly will not be a situation other than that those judges will be permanent. Is not that true?

Mr. WALTER. No; that is not true, because every district court judge to be appointed under this bill will be appointed under the same conditions.

Mr. KEEFE. He is appointed under the same conditions; he is appointed for life.

Mr. WALTER. The gentleman is correct.

Mr. KEEFE. The only situation is that if one of them is appointed for life in a district that has an overcrowded calendar and where the judges are active, he will stay there for life and until some judge decides to quit or dies or passes out of the picture.

Mr. WALTER. No; of course not.

Mr. KEEFE. Will he not?

Mr. WALTER. The gentleman is asking me to discuss something I cannot answer.

Mr. KEEFE. The gentleman is chairman of the subcommittee, and I respect the gentleman's ability.

Mr. WALTER. The gentleman is asking me to tell him what is in the minds of these judges.

Mr. KEEFE. No.

Mr. WALTER. Of course he is. The gentleman is asking me what they are going to do. How do I know what they are going to do? All I know is that we are creating temporary judgeships.

Mr. KEEFE. As far as the four districts in which you are creating judgeships because the calendars are overcrowded are concerned, there is no question about the appointments at all. These judges are appointed for life, and they will stay there as long as they live.

Mr. WALTER. That is correct.

Mr. KEEFE. The only situation that might arise would be one that would arise normally, if in those districts a sitting judge were to die or become incapacitated and so resign. Then, under the provisions of this bill, in those districts in which you claim the calendar is overcrowded there would be no appointment to fill that vacancy, and Congress would again have to act.

Mr. WALTER. Correct.

Mr. KEEFE. That is the information I sought, and I thank the gentleman.

Mr. GWYNNE. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Iowa.

Mr. GWYNNE. Does not the gentleman believe that is a good provision?

Mr. KEEFE. As far as I am concerned, I believe the objective to be a laudable one. However, I have definite doubts as to the constitutional right of Congress to place a limitation upon the appointing power vested under the Constitution in the President. Having created the office, I doubt the power of Congress to try to limit the right of the President to fill the vacancy.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. KEEFE. I yield to the gentleman from Florida.

Mr. GREEN. That has been the practice of the Congress on many other occasions.

Mr. KEEFE. I do not know anything about that, being just a new Member of Congress, but I do know, having given some thought to this situation, that I do not know how you could accomplish the purpose in any other way to provide the litigants with help.

[Here the gavel fell.]

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: On page 2, line 1, after the comma, strike out "western district of Oklahoma."

Mr. HANCOCK. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HANCOCK. Is not this the language that was just stricken out of the bill?

The CHAIRMAN. The gentleman is correct. The language has been stricken out already by committee amendment.

Mr. HOUSTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOUSTON: On page 1, line 11, after the comma following "New Jersey", insert "Kansas."

Mr. HOUSTON. Mr. Chairman, I am asking for one additional judgeship for Kansas. This does not mean I am asking for a new district or marshal—only one additional judgeship.

The State of Kansas has only 1 Federal judge today to serve approximately 1,882,000 people. The District of Columbia has 1 Federal judge to serve each 40,572 residents. The State of Nevada has 1 Federal judge serving only 91,055 people. The average for the United States is 1 Federal judge for each 693,644 of population, and remember that Kansas has only 1 judge for 1,882,000 people.

The Kansas population per judge is almost three times the average, and it is the largest population per judge in any State of the Union.

Delaware has 220 lawyers to each Federal judge. Kansas has 1,940. The average is 901 lawyers per judge, and Kansas has more than twice that number.

With the exception of one State, Kansas has the greatest area in square miles per judge of any State in the Union—80,000 square miles for one judge.

Under the Republican rule we had two judges, and they operated under the same provision as the one to which the gentleman from Wisconsin [Mr. KEEFE] referred a moment ago. In 1926, under that provision, an additional judge was appointed because the older judge was incapacitated physically, but as he still was able to work now and then he remained on the pay roll and did not retire. In 1929 the second judge was elevated to the circuit court of appeals and a new judge appointed under that provision, and he is still serving.

The elder judge died a few years ago, and our one district judge out there has to handle an average of three cases per day for every working day in the year. I think this is too many cases for one judge to handle if he is to give them the proper time and attention, and I therefore hope that my amendment will be adopted. [Applause.]

[Here the gavel fell.]

Mr. GUYER of Kansas. Mr. Chairman, there is no more use for another Federal judge in Kansas than there is for a fifth wheel on an automobile. [Laughter.] Three times the Judiciary Committee of the House by a majority vote, composed of Democrats, has declared against this judgeship. Likewise, the Senate Judiciary Committee unanimously opposed it. The district judge of Kansas has declared that he will try any case or motion that is on the docket of the court in Kansas within 3 days if such trial is demanded.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. GUYER of Kansas. Yes.

Mr. HOUSTON. Is it not a fact that in 1935, 1936, 1937, and 1938, the judicial council endorsed an additional judge for Kansas?

Mr. GUYER of Kansas. They did, but they quit it when they found it was not necessary.

Mr. HOUSTON. Would the gentleman say that the judicial council was wrong?

Mr. GUYER of Kansas. The point is that in spite of that fact the Judiciary Committee, believing it unnecessary, reported against it.

Mr. HOUSTON. Does the gentleman discount what the judicial council recommended for 4 consecutive years?

Mr. GUYER of Kansas. Yes; I disagree with them. We did not need a judge then and we need one less now, because the dockets are going down not only in the State courts, but also in the Federal courts. I say again that we need no Federal judge in Kansas.

Mr. HOUSTON. Is it not a fact that the gentleman is waiting for the Republican Party to come back into power and then they will need a Republican judge in Kansas?

Mr. GUYER of Kansas. No; I shall oppose it then just the same as I am opposing it now, if it is still unnecessary, and if I am on the Judiciary Committee the gentleman will find that is true.

Mr. LAMBERTSON. Mr. Chairman, will the gentleman yield?

Mr. GUYER of Kansas. I yield.

Mr. LAMBERTSON. Does our colleague from Kansas admit that we are coming back?

Mr. GUYER of Kansas. Well, I do not know about that. These New Dealers are optimistic.

Mr. REES of Kansas. Mr. Chairman, I move to strike out the last word. Mr. Chairman, I rise in opposition to the amendment. I regret very much that I find it necessary to take the floor in opposition to the amendment submitted by my colleague from my own State, who wants, by this legislation, to provide another Federal judge for the State of Kansas. I cannot agree with his views and am opposed to his amendment. I just don't believe he can justify his argument in favor of it.

This proposition of another Federal judge for Kansas has been before this Congress at other times. The gentleman knows that he and I appeared on opposite sides of this question before the Judiciary Committee of the Senate about 2 years ago. The Senate committee, after hearing the evidence on both sides of the question, turned it down. That committee went over the matter carefully and decided Kansas did not need an extra judge. We do not need another judge any more now than we did at that time. The gentleman talks about facts and figures. I have here a copy of a letter that was written to the distinguished gentleman from Kansas who presented this amendment. It was written by the clerk of the United States district court, and here is what he had to say in one of the paragraphs:

> The docket in this district is in good condition and indicates a reduction of business in the district. Judge Hopkins hears all cases, demurrers, and motions of every kind as soon as they are ready for hearing and disposition and counsel are able to present them. Judge Hopkins is continually urging counsel to get their cases ready for trial. He has especially crowded attorneys to prepare and try the war-risk-insurance cases.

The gentleman also called attention to the crowded dockets, but this same letter states:

> These cases pending at this time are for the most part cases filed some years back, but due to the necessity of extensive investigation by the Government since most of the plaintiffs ceased paying premiums and relied upon permanent and total disability at the time of their discharge, 18 years ago, to keep their policies in force, it has been difficult to get them ready for trial.

Now, Mr. Chairman, here is another bill that has not had the approval of the Judiciary Committee of the House. I do not want to criticize the committee too much, but I have been led to believe that the Judiciary Committee of the House is one of the most important, most powerful, and most influential committees of the House of Representatives. That committee has held hearings on these extra amendments. That committee as such is not expressing its views now. We are providing for additional judges without the opinion of that committee as to whether or not they are really needed. We are entitled to the judgment of the Committee on the Judiciary on these matters. I do not think this House has the right to pass any of these amendments unless they are at least heard by the Judiciary Committee of the House, and I think your good common sense will approve that sort of practice.

We should not vote, either, on these measures on party lines. The majority party has voted almost solidly for every amendment providing for additional judges in various parts of the country. We are already providing for a number in the original bill. I believe we could get along well without most of the new ones asked for in the original bill.

On this amendment asking for an additional judge in Kansas you have made no investigation. You have no evidence for the creation of this new judgeship in the State of Kansas except only a 5-minute speech by the distinguished gentleman from the Fifth District of Kansas.

Mr. Chairman, we do not need the additional judge in Kansas. The majority of our State does not want it. The present judge is taking care of the situation. He has plenty of time to hear all the cases when they are ready for hearing. For the good of our State and for the good of the taxpayers of this country you should vote this amendment down. If I really thought we needed the extra judge, I would not be here opposing this legislation.

I realize that while other Members of Congress are getting new judgeships it is somewhat tempting to ask for one in our part of the country.

Mr. HOUSTON. Will the gentleman yield?

Mr. REES of Kansas. Yes.

Mr. HOUSTON. Is it is not a fact that this same Republican clerk appointed by a Republican Federal judge 3 years ago wrote a letter to the committee that only 3 cases were pending, when the Department of Justice said there were about 1,100?

Mr. REES of Kansas. All that I can say is that I have been reading from a copy of a letter directed to the gentleman who proposed this amendment by the clerk of the United States court of that district. He has charge of the records and should know the facts. I believe that letter states the situation in pretty good shape.

Mr. Chairman, I hope the membership of the House will exert their independence, use a little backbone, and vote against this amendment. Then go further and vote against these other amendments creating more and more judgeships. You and I know very well the country can well get along without these additional judgeships. There will be no miscarriage of justice. I do not think there are very many overworked Federal judges in this country. You do not, either. I regret to say it, but this judgeship bill, in my opinion, is mostly another patronage proposition at the expense of a Treasury that shows a deficit and an additional

charge against the people of this country, who cannot afford it.

The CHAIRMAN. The time of the gentleman from Kansas has expired. The question is on the amendment of the gentleman from Kansas [Mr. HOUSTON].

The question was taken; and on a division (demanded by Mr. HOUSTON) there were—ayes 69, noes 90.

So the amendment was rejected.

Mr. MASSINGALE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The clerk read as follows:

Amendment offered by Mr. MASSINGALE: Page 1, line 11, after the words "New Jersey" insert "one additional judge for western district of Oklahoma."

Mr. MICHENER. Mr. Chairman, I rise to a point of order. This same proposition has already been passed upon by the Committee of the Whole, and this judge was stricken from the bill.

The CHAIRMAN. The Chair states to the gentleman from Michigan that this amendment, apparently, is in somewhat different language.

Mr. MICHENER. Assuming that it is in a little different language, under the rule, as I interpret the rule, the result is what counts. The purpose of the Committee on the Judiciary in reporting the bill was to strike out the Oklahoma judgeship. That was before the Committee of the Whole voted to strike it out. The gentleman now offers the same thing in another amendment—that there be created an additional Oklahoma judgeship. Under the circumstances I submit that it is clearly out of order.

The CHAIRMAN. The Chair will look at the language and not at the result. The point of order is overruled.

Mr. MASSINGALE. Mr. Chairman, since we have finished the political feature of the Kansas situation I presume it is all right to go back to a discussion of amendments that are worth while in the present bill.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. I cannot yield at this time. Let me say this to the members of the Committee on the Judiciary. I know them all quite well and I appreciate them very much. We have this situation in regard to this particular bill—at least I look at it in that way. I have worked harmoniously with that great committee and have enjoyed it very much. Take the distinguished members of it, like my friend the gentleman from Michigan [Mr. MICHENER], the gentleman from Iowa [Mr. GWYNNE], the gentleman from New York [Mr. HANCOCK], and the gentleman from Indiana, Judge SPRINGER. All of those gentlemen are wanting to punish me, and do you know why? I shall tell you why I am about to be punished, or that they are making an effort to punish me. They are all against me apparently. I think the reason may be found in that old story about Old Dog Tray. I went before this committee last year when this bill was under consideration and told them emphatically that I thought it better not to report out a bill creating an addiional judgeship in Oklahoma because I doubted the necessity for it, and on that recommendation that I made, those gentlemen in agreement with the others concluded that they would just scratch out Oklahoma. I told them at the same time that I was going to investigate the facts. I did investigate the facts, and I came back here this year and told them that Oklahoma needed that additional judgeship, and now these boys are going to punish me because I went in there and had the nerve to tell a bunch of my associate lawyers the truth. Sometimes it just does not do to tell the truth to a lot of lawyers, and that is where I am about to get into trouble. I told them the truth about that Oklahoma situation, and the truth is this: In Oklahoma now the case load is 174 cases greater than the number of cases per judge in the entire United States. Do you tell me that that does not argue that Oklahoma needs an additional judge? Listen to this: In addition to that, as my colleague the gentleman from Oklahoma [Mr. MONRONEY] told you, Oklahoma's record for disposing of cases in the Federal court is 2,090 per year.

The next State under that, with an equal population and an equal number of Federal judges, is Tennessee, which disposed of 1,442 cases. Then we come to Virginia, which disposed of 1,345 cases. Then Louisiana. Those are the only four States in the Union having four judges and having comparable population to the State of Oklahoma.

One of these friends of mine, Judge Springer, from Indiana, complains that Oklahoma should not have any more judges, because Indiana only has two judges. That is not our fault. Indiana ought to work up some business; ought to spread out its industries or business of some sort. Do not penalize Oklahoma, because it has outstripped Indiana in court business and in the dispatch of court business.

Mr. SCHAFER of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. MASSINGALE. No; I do not have time to yield.

Now, this is the situation: Oklahoma has a population of 2,396,000. It has four judges and has disposed of 2,090 cases, and, as I said, the case load in the State is 174 cases greater than the case load all over the United States in Federal courts. [Applause.]

[Here the gavel fell.]

Mr. GWYNNE. Mr. Chairman, I rise in opposition to the amendment.

I dislike to oppose my friend the gentleman from Oklahoma [Mr. MASSINGALE]. I find he is usually right. One of the troubles is that the gentleman made two conflicting statements before the subcommittee examining this question. Unfortunately for him, perhaps, the subcommittee heard him the first time. [Laughter.]

Now, seriously, I see no reason why there should be an additional judge in Oklahoma. It is true it was recommended by the Judicial Conference and, I believe, by the Attorney General. Let me remind you, however, that the responsibility is in neither of those places, but it is right here. I want to give you the facts. If you think there should be an additional judge in Oklahoma, you should vote for it. In Oklahoma they have three districts. That is unusual to start with. They have one judge in each district and one roving judge, or a total of four judges for a population of some 2,500,000 people.

Now, here is the situation as far as cases pending are concerned: The cases pending July 1, 1938, criminal and civil, were 502. Cases filed during the year, 661. Cases terminated during the year, 781. They were keeping up with their work and, in fact, they were getting ahead.

So the cases pending on June 30, 1939, were 382. Now, if you would compare the cases filed in the western district of Oklahoma of all kinds, with the cases filed in other districts of Oklahoma, I think you will conclude that there is no real reason why this judgeship should be included at this time.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. MASSINGALE].

The question was taken; and on a division (demanded by Mr. MASSINGALE) there were ayes 80 and noes 86.

Mr. MASSINGALE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chair appointed Mr. MASSINGALE and Mr. GWYNNE to act as tellers.

The Committee again divided and the tellers reported there were ayes 104 and noes 89.

So the amendment was agreed to.

Mr. WALTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 1, line 10, before the word "one" insert "one for the northern and southern districts of Florida."

Mr. TABER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. TABER. That has already been voted upon by the Committee and has been stricken from the bill. There is no difference whatever between that and the language of the bill, with the exception of the word "one" and the word "one" was already there in line 10. So that it does not change the

amendment from the language in the bill which was stricken out, in any degree whatever.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. WALTER] desire to be heard?

Mr. WALTER. Mr. Chairman, the language in the amendment is not the same as the language in the bill. The Chair will note that the language in the bill provides "who shall be a district judge." That is not in the amendment that was just offered. That was in the committee amendment which was acted on when the bill was first taken up.

The CHAIRMAN (Mr. DUNCAN). The Chair believes that while there is some similarity, there is sufficient difference to justify submission of the amendment.

The point of order is overruled.

Mr. WALTER. Mr. Chairman, I could not conceive of a worse situation existing anywhere in the United States than that which appears in Florida today. There are three judges in Florida, all of whom are critically ill. One man had a heart attack just about a month ago. Another one is suffering from diabetes and it is a serious question if he will ever serve again. The people in that State are in the position today that they cannot get a judge to sign an injunction.

At the time the committee took up the bill, as a matter of fact an additional judge was provided in the Senate bill—we felt that it would be possible to carry on without this additional judge.

Since the committee acted the above-described situation has arisen. Certainly the membership of this House does not want to deprive the great State of Florida of the services of at least one judge.

Mr. Chairman, I hope the amendment will be agreed to.

Mr. GWYNNE. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think the cold figures would convince anyone that there is no justification for giving an additional judgeship to Florida. The only reason the problem is here before us is because, unfortunately, some of the judges are now physically incapacitated. I believe, however, this is something that need not be called to the attention of Congress. We have in the law at the present time a provision which allows the President, under such circumstances, to appoint a judge to take care of this emergency. His means of knowledge are at least equal to ours and he has taken no action in the matter. Furthermore, let me remind you that in such cases the law allows the assignment of a judge from another district to take care of the situation temporarily. There is no showing here that that had been done in this case. I think the people of Florida should first utilize these other remedies they have been given before they apply for an additional judge, the need for which cannot be justified under the record.

Mr. HENDRICKS. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I would like to have the attention of the Members for just a moment, because I believe the situation is misunderstood. There is a very amusing and ironic situation existing today, anyway, particularly in regard to this Florida judgeship. I have heard a good many Members on the Republican side of the House say that it was purely politics that we bring in this bill providing certain judgeships.

In regard to the Florida judgeship let me say that we all remember the Hatch Act which is cleaning up politics to a great extent. The gentleman who passed that act through the Senate and passed it through the House, with the help of these gentlemen on my left, also reported a bill providing an additional judgeship for the State of Florida, and I am sure the Republican Members would not accuse him of politics.

I think the best way to answer the opposition to this amendment is to quote what your own Republican judge in the State of Florida has said concerning politics. What I am about to read is from a letter written by the Honorable Alexander Ackerman when he was judge. This letter was written to the chairman of the Judiciary subcommittee of the Senate, the gentleman to whom I have just referred. In his letter to this Senator, Judge Ackerman said:

> I beg to assure you that in making the foregoing statements I am in no way influenced by political or personal concern. Prior to my appointment as judge I was rather active in Republican politics and was appointed as a Republican. Of course, I have endeavored in every way possible since my judicial appointment to avoid any participation in politics other than to exercise a citizen's right to vote, but as the appointee to this additional position could only be expected to be a Democrat, such appointment would in no way be pleasing to me politically, and as to a personal consideration, I will be eligible for retirement in about 20 months, and I expect to retire as soon as possible. Therefore, the additional judgeship would not be of any great personal relief to me, but as one who as senior district judge has been responsible for the dispatch of business in the district, I would rejoice to see it made possible for the dockets in this district to be made current and avoid the general criticism of the law's delay.

That came from Judge Alexander Ackerman. I will not at this time read further from the judge's letter but will just say, as Judge Ackerman pointed out, that we have a peculiar problem in Florida. People come there to live just for the winter. This gives rise to cases involving automobile accidents, and because people are from outside of the State and there is diversity of citizenship the cases must be tried in the Federal court. We have the sponge industry. These people use boats. We have our ports and our harbors. This gives rise to admiralty cases which must be tried in the district courts. All our fruits and produce is shipped into and out of the State in the stream of interstate commerce; we have insurance companies operating in the State but incorporated in other States; we have railroads operating within the State but incorporated elsewhere; and we have many other situations which give rise to cases which must be taken to the Federal court instead of the courts of the State of Florida. If we could do away with the problem of diversity of citizenship, if our State courts could handle a lot of these cases the situation would be different; but they have not been able to solve this problem. Now let me say something about the disability of our judges in Florida.

One Member of the House said that if we would appoint better judges we would clear our dockets. Let me say that I do not believe better judges have been appointed anywhere in this country than the present judges in Florida. These men have worked hard. Because, as I say, of cases arising out of diversity of citizenship the Federal judges of our State have been overworked in the past 2 years. Every judge now sitting except the one just recently appointed, Judge Barker, has had serious illness. Because of this fact and because of the further fact that we have so many cases there our dockets are crowded. Let me read a brief table showing something of the cases now pending in the State of Florida as compared with other States.

These figures are for 1937. Alabama had pending 197 cases, Georgia 312, Florida 771, Mississippi 238, and Louisiana 539.

I would like to say that we deserve a judge in Florida and we actually need him. I hope the Members will vote for an additional judge in the State of Florida.

Mr. JENKINS of Ohio. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I want to call to the attention of the Committee a very strange situation. This bill, no doubt, was prepared by the subcommittee and reported to the full committee for final action, and when the bill was first introduced it provided for a judge for Florida. Then the Judiciary Committee apparently changed its mind and struck the Florida provision out of the bill. They did this after the bill was printed. You will see that it has been stricken out, but it was necessary for the chairman of the committee here this afternoon to ask you to vote an amendment taking it out. You adopted that amendment, and now that same chairman is asking you to reinsert that matter into the bill and pass it. The same gentleman comes forward and asks you to do the exact opposite from what he asked you to do an hour ago. This is a very strange situation, and it justifies what I said previously this afternoon—that this bill has not been prepared properly, and it is not a credit to this fine, important Committee on the

Judiciary. They can do better than this, and they should have another chance.

The Judiciary Committee probably know more about this than I do, but in justice to those of us who are not on the committee, and in justice to those of us who want to vote intelligently and conscientiously, this bill should be sent back to the Committee on the Judiciary, and that committee should report a proper bill.

In considering amendments you have been asked to adopt an amendment to provide an additional judge for Kansas, and the gentleman from Kansas [Mr. HOUSTON] made an effort to get another judge for his State and cited the recommendation of the judicial conference in support of his contention; but you refused to give Mr. HOUSTON's State of Kansas another judge.

The gentleman from Kansas [Mr. HOUSTON] is a strong supporter of the New Deal, but you deny him; and the distinguished New Deal gentleman from Missouri [Mr. COCHRAN] asked for another judge. He made a tearful plea, but you turned your back upon him. But it is different with the gentleman from Oklahoma [Mr. MASSINGALE], who is a member of the Judiciary Committee. You give him another judge when his State has not nearly as many people as Indiana, but has twice as many judges. When you get through with this bill you will be ashamed of it. You who are the chief proponents of this measure have admitted by your vacillation that you have no set convictions about this matter. Since this is true, why not send the bill back to the committee and let that committee bring in a bill in line with right and justice? [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALTER].

The question was taken; and on a division (demanded by Mr. HENDRICKS) there were—ayes 79, noes 94.

Mr. HENDRICKS and Mr. PETERSON of Florida demanded tellers.

Tellers were ordered, and the Chair appointed Mr. WALTER and Mr. HANCOCK to act as tellers.

The Committee again divided, and the tellers reported there were—ayes 89, noes 93.

So the amendment was rejected.

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. SCHAFER of Wisconsin: Page 1, line 11, after the comma, and following the words "New Jersey", insert "district of the Virgin Islands."

Mr. SCHAFER of Wisconsin. Mr. Chairman, I offered this amendment in order to speak for 5 minutes on the pending bill. While I was in Congress for 10 years prior to being washed out by the New Deal tidal wave of 1932 many new judgeships were created under a Republican administration. The statistics indicated that these judgeships had to be created on account of congestion in the calendars of the various districts, particularly on account of the then existing Prohibition Act, with its wave of prohibition tyranny. Now we find Federal prohibition with reference to beer, wine, and whisky gone with the wind, and instead of reducing the number of judges, as we promised during the repeal fight, the number of judges has steadily increased since the repeal of prohibition.

At first blush I thought I would oppose this bill, which provides for additional Federal judges. I find, however, upon careful examination, that prohibition tyranny with reference to beer, wine, and whisky has gone with the wind; but we now have a New Deal prohibition tyranny under which the New Deal attempts to regulate or prohibit almost everything done or used by man from the cradle to the grave under a system of espionage and persecution which almost parallels a combination of the German Gestapo and the Russian Ogpu.

In Kenosha, Wis., the New Deal "Ogpu" recently arrested and tried to throw into the Federal penitentiary a poor, hard-working tailor, claiming that he had failed to answer some of their inquisitorial questions with reference to the housing census. In view of the fact that the calendars are loaded in the many judicial districts, and since we can expect until after the 1940 election at least many more cases such as that of this Wisconsin tailor, I shall support this bill in order that the people of America will not have to wait to have their day in court, when they are persecuted and prosecuted by the chosen tribe of New Deal Karl Marx disciples.

Some of our economy peddlers on the Republican side have been threatening us with a roll call because they oppose this bill in the name of economy. I do not intend to be clubbed into line by any economy peddlers on my side of the aisle who in the name of economy want to oppose the expenditure of several hundred thousand dollars to expedite the trial of the great rank and file of our people who are persecuted and prosecuted by our New Deal brethren, particularly since some of these economy peddlers stood up without blushing and voted $100,000,000 so that the Export-Import Bank could play Santa Claus in a big way to foreign countries and people in foreign lands.

Mr. HOUSTON. Mr. Chairman, will the gentleman yield?

Mr. SCHAFER of Wisconsin. I yield to the gentleman from Kansas.

Mr. HOUSTON. Is the gentleman's amendment to create a judgeship in the Virgin Islands?

Mr. SCHAFER of Wisconsin. I believe they ought to have one. I know the New Deal is going out in 1940 as sure as the sun rises in the east and sets in the west. I am not fearful that this bill will provide jobs on the Federal bench for "lame ducks" because "lame duck" Members of Congress will not be able to qualify for those jobs. Furthermore, I believe that after the New Deal goes out with the wind in November and New Deal Federal bureaucratic tyranny is ended we will be able to reduce the number of judgeships we already have. I offer this amendment to create a judgeship in the Virgin Islands so that you can find a good "lame duck" berth for an expert on the Virgin Islands, Prof. Rex Tugwell, so that when the New Deal goes out in 1940 he can go back to the Virgin Islands and dispense his pure conceptions of Karl Marx socialism.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin.

The amendment was rejected.

Mr. KEAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KEAN: On page 1, line 11, after "California", strike out "district of New Jersey."

Mr. WALTER. Mr. Chairman, I make the point of order that the amendment is not in order, because it strikes out a provision that was voted on by the Committee.

Mr. TABER. Mr. Chairman, this provision has not been voted on at all by the Committee.

The CHAIRMAN. This provision is part of the original bill. The point of order is overruled.

Mr. KEAN. Mr. Chairman, may I say to the chairman of the subcommittee who criticized my statement that these district judgeships cost $20,000 apiece, that I got my information as to that from the Director of the Administration Office of the United States Courts, who stated that that estimate was moderate.

As far as this judgeship is concerned, it is not needed. It was conceived in politics merely to satisfy the patronage desires of two political leaders who could not agree on a candidate for one vacancy. For 18 months the district court litigation was taken care of by three judges, and during that time they gained on the calendar. Now the politicians say they need five judges. Before their judgment was influenced by the fact that they had 33 percent more work, due to the fact that there were only three judges, the sitting district judges unanimously opposed the creation of this extra judgeship. There are now fewer cases pending than there were when they took this action. The circuit judge whose promotion caused the vacancy says this judgeship is not needed. The New Jersey Bar Association in its testimony before the Senate committee stated it was not needed. The leading

independent newspaper of the State says it is not needed. I feel that this amendment should be approved.

Mr. COCHRAN. Mr. Chairman, will the gentleman yield?

Mr. KEAN. I yield to the gentleman from Missouri.

Mr. COCHRAN. I notice that the recommendation of the conference of circuit judges states that there is an increase in the number of cases, and they cite 900 civil actions and 439 criminal proceedings, whereas the year before there were 768 civil actions and 336 criminal proceedings.

Mr. KEAN. To which years is the gentleman referring?

Mr. COCHRAN. I am referring to 1937 and 1938, and these are the figures that are recorded in the report of the judicial conference.

Mr. KEAN. That is correct. The number of cases increased from 1937 to 1938, but there was a large decrease from 1936 to 1937, and there was also a decrease from 1938 to 1939.

[Here the gavel fell.]

Mr. HART. Mr. Chairman, my distinguished friend who has just addressed the Committee has, of course, produced nothing with respect to the motion he has just made that was not contained in the prepared address that he delivered when the rule was under consideration. The gentleman has been very careful to cite the statements of several more or less eminent members of the bar, one of whom at least does not live in the jurisdiction affected by this particular section of the bill. However, the Committee will recall that much has been said here today about the recommendations of the judicial council having included a judgeship for New Jersey in 1938 and again in 1939; likewise, the Attorney General of the United States has recommended the inclusion of an additional judgeship in New Jersey in this bill. The subcommittee reported this judgeship to the Judiciary Committee and the Judiciary Committee has announced that it has reported it to the House unanimously.

Now, Mr. Chairman, another question was asked by my very distinguished colleague and good friend the gentleman from New Jersey [Mr. THOMAS] as to whether or not there were any recommendations besides those which I have mentioned in behalf of the inclusion of an additional judgeship for the district of New Jersey. I wish to state that I have in my possession two letters, one dated March 1939 and another dated in January of 1940, the first of them signed by the then three remaining Republican sitting judges in the district of New Jersey, all of whom were in favor of the creation of this additional judgeship. The letter of January 1940 is signed by the presiding officer of that court, the Honorable Judge Fake, a Republican, an eminent jurist, and in that letter he reiterates his support of the proposal to include this additional judgeship.

Nobody brought politics into this discussion prior to the statement of the distinguished gentleman from New Jersey, who is in opposition to this provision in this bill, but he essayed to describe to the House some sort of fantastic or fictitious agreement or arrangement supposed to have existed, and still to exist, between two political figures on the Democratic side in the State of New Jersey. Of course, that is just a familiar red herring being drawn across the trail. As a matter of fact, his opposition to this bill stems from nothing other than a political desire to permit this vacancy to go over in the hope—vain, as I am sure it is—that with an incoming Republican administration, for which they are all praying on that side, this vacancy may then be provided for and an appointment made by a Republican President.

For 20 years, Mr. Chairman, we had four, or, rather, let us say, three, Republicans sitting in the district of New Jersey, and besides those we had Judge Clark. I do not know what Judge Clark's politics were or are. I know that he is not a Democrat. I should hesitate to assume the responsibility of charging that he is a Republican. [Laughter.] I do know that he gave hope to the Democrats' hearts in New Jersey on one or two occasions by declaring that he contemplated being the Republican candidate for Governor; but, alas, he violated his promise and our hopes fled through the night. [Laughter.] He is the source of the opposition to this bill. He has stated, and he has been quoted by the chairman of the subcommittee as having stated, that he does not want this judgeship created because he does not want Franklin D. Roosevelt to have the power of appointment, and that, Mr. Chairman, from the beneficiary of the present President of the United States, who elevated him—and some of us in New Jersey are glad he did so—from the district court to the Court of Appeals. [Applause.]

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. KEAN].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. COOPER) having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the state of the Union, reported that the Committee, having had under consideration the bill (H. R. 7079) to provide for the appointment of additional district and circuit judges, pursuant to House Resolution 424, he reported the same back to the House with sundry amendments adopted in Committee of the Whole.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment?

Mr. HANCOCK. Mr. Speaker, I demand a separate vote on the Massingale amendment establishing a new judgeship in the State of Oklahoma.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. MICHENER. Mr. Speaker, I demand a separate vote on the Walter amendment, providing a new judgeship in Illinois.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gross.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the first amendment on which a separate vote has been demanded.

The Clerk read as follows:

Page 1, line 11, after the words "New Jersey" insert "one additional judge for western district of Oklahoma."

The question was taken; and on a division (demanded by Mr. HANCOCK) there were—ayes 89, noes 82.

Mr. HANCOCK. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 192, nays 145, not voting 93, as follows:

[Roll No. 44]

YEAS—192

Allen, La.	Cox	Griffith	McGranery
Anderson, Mo.	Cravens	Harrington	McKeough
Barden	Crosser	Hart	McLaughlin
Barnes	Crowe	Harter, Ohio	McMillan, Clara G.
Barry	Cullen	Havenner	McMillan, John L.
Bates, Ky.	D'Alesandro	Hendricks	Magnuson
Beam	Davis	Hill	Mahon
Bell	Delaney	Hobbs	Maloney
Bland	Dempsey	Houston	Marcantonio
Bloom	Dies	Hunter	Massingale
Boehne	Dingell	Izac	Merritt
Boland	Disney	Jacobsen	Mills, Ark.
Boren	Doughton	Jarman	Mills, La.
Bradley, Pa.	Doxey	Johnson, Okla.	Mitchell
Brown, Ga.	Drewry	Johnson, W. Va.	Monroney
Bryson	Duncan	Johnson, Luther	Murdock, Utah
Buckler, Minn.	Dunn	Kefauver	Myers
Bulwinkle	Durham	Kelly	Nelson
Byrns, Tenn.	Edelstein	Kennedy, Martin	Nichols
Byron	Edmiston	Kennedy, Md.	Norrell
Camp	Elliott	Kennedy, Michael	Norton
Cannon, Fla.	Ellis	Keogh	O'Connor
Cartwright	Evans	Kerr	O'Day
Celler	Faddis	Kilday	O'Leary
Chapman	Fernandez	Kirwan	O'Neal
Clark	Fitzpatrick	Kitchens	Pace
Claypool	Flannagan	Kocialkowski	Parsons
Cochran	Flannery	Kramer	Patman
Coffee, Nebr.	Folger	Lanham	Patrick
Coffee, Wash.	Ford, Miss.	Larrabee	Patton
Cole, Md.	Fries	Leavy	Pearson
Connery	Gathings	Lesinski	Peterson, Fla.
Cooley	Gavagan	Lewis, Colo.	Peterson, Ga.
Cooper	Gore	Lynch	Pittenger
Costello	Gossett	McAndrews	Rabaut
Courtney	Gregory	McGehee	Ramspeck

Randolph	Sasscer	Smith, Va.	Thomas, Tex.
Rankin	Satterfield	Smith, Wash.	Thomason
Rayburn	Schaefer, Ill.	Snyder	Tolan
Richards	Schafer, Wis.	Somers, N. Y.	Vincent, Ky.
Risk	Schuetz	South	Vinson, Ga.
Robertson	Schulte	Sparkman	Vreeland
Robinson, Utah	Schwert	Spence	Walter
Robsion, Ky.	Shanley	Sullivan	Ward
Rogers, Okla.	Shannon	Sutphin	Warren
Romjue	Sheppard	Tarver	Weaver
Ryan	Sheridan	Tenerowicz	West
Sacks	Smith, Conn.	Terry	Zimmerman

NAYS—145

Alexander	Engel	Jonkman	Rich
Andersen, H. Carl	Englebright	Kean	Rockefeller
Anderson, Calif.	Fenton	Keefe	Rodgers, Pa.
Andresen, A. H.	Fish	Kilburn	Rogers, Mass.
Andrews	Ford, Leland M.	Kinzer	Routzohn
Angell	Fulmer	Kunkel	Rutherford
Arends	Gamble	Lambertson	Sandager
Austin	Gartner	Landis	Schiffler
Ball	Gearhart	LeCompte	Seccombe
Barton	Gerlach	Lewis, Ohio	Seger
Bates, Mass.	Gifford	Luce	Short
Beckworth	Gilchrist	Ludlow	Simpson
Bender	Gillie	McDowell	Smith, Maine
Blackney	Goodwin	McGregor	Smith, Ohio
Bolles	Graham	McLean	Springer
Bolton	Grant, Ala.	McLeod	Stefan
Brooks	Gross	Maas	Sumner, Ill.
Brown, Ohio	Guyer, Kans.	Marshall	Taber
Burdick	Gwynne	Martin, Iowa	Talle
Cannon, Mo.	Hall, Leonard W.	Martin, Mass.	Thill
Carlson	Halleck	Mason	Thomas, N. J.
Chiperfield	Hancock	Michener	Thorkelson
Church	Hare	Miller	Tinkham
Clason	Harness	Monkiewicz	Treadway
Clevenger	Harter, N. Y.	Moser	Van Zandt
Cluett	Hawks	Mott	Vorys, Ohio
Cole, N. Y.	Hess	Mundt	Wadsworth
Colmer	Hinshaw	Murray	Wheat
Corbett	Holmes	O'Brien	Whittington
Culkin	Hope	Oliver	Wigglesworth
Curtis	Hull	Osmers	Winter
Dirksen	Jenkins, Ohio	Poage	Wolcott
Ditter	Jennings	Polk	Wolverton, N. J.
Dondero	Jensen	Powers	Youngdahl
Dworshak	Johns	Reece, Tenn.	
Eaton	Johnson, Ill.	Reed, N. Y.	
Elston	Johnson, Ind.	Rees, Kans.	

NOT VOTING—93

Allen, Ill.	Douglas	Jones, Tex.	Smith, Ill.
Allen, Pa.	Eberharter	Kee	Smith, W. Va.
Arnold	Fay	Keller	Starnes, Ala.
Boykin	Ferguson	Kleberg	Steagall
Bradley, Mich.	Flaherty	Knutson	Stearns, N. H.
Brewster	Ford, Thomas F.	Lea	Sumners, Tex.
Buck	Garrett	Lemke	Sweeney
Buckley, N. Y.	Gehrmann	McArdle	Taylor
Burch	Geyer, Calif.	McCormack	Tibbott
Burgin	Gibbs	Maciejewski	Voorhis, Calif.
Byrne, N. Y.	Grant, Ind.	Mansfield	Wallgren
Caldwell	Green	Martin, Ill.	Welch
Carter	Hall, Edwin A.	May	Whelchel
Case, S. Dak.	Hartley	Mouton	White, Idaho
Casey, Mass.	Healey	Murdock, Ariz.	White, Ohio
Collins	Hennings	O'Toole	Williams, Del.
Crawford	Hoffman	Pfeifer	Williams, Mo.
Creal	Hook	Pierce	Wolfenden, Pa.
Crowther	Horton	Plumley	Wood
Cummings	Jarrett	Reed, Ill.	Woodruff, Mich.
Darden	Jeffries	Sabath	Woodrum, Va.
Darrow	Jenks, N. H.	Scrugham	
DeRouen	Johnson, Lyndon	Secrest	
Dickstein	Jones, Ohio	Shafer, Mich.	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Pfeifer (for) with Mr. Wolfenden of Pennsylvania (against).
Mr. Hennings (for) with Mr. Plumley (against).
Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Edwin A. Hall (against).
Mr. Dickstein (for) with Mr. Jeffries (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (against).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Fay (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Hartley (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr. Smith of Illinois (for) with Mr. Gehrmann (against).

General pairs:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Burch with Mr. Horton.
Mr. Caldwell with Mr. Welch.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Whelchel with Mr. Crowther.
Mr. Kleberg with Mr. Jones of Ohio.
Mr. McCormack with Mr. Lemke.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Hook.
Mr. Allen of Pennsylvania with Mr. Wallgren.
Mr. Garrett with Mr. Mouton.
Mr. Sweeney with Mr. Kee.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Smith of West Virginia.
Mr. Taylor with Mr. Boykin.
Mr. Geyer of California with Mr. Healey.
Mr. Secrest with Mr. Green.
Mr. Lea with Mr. Pierce.
Mr. Sabath with Mr. Murdock of Arizona.
Mr. Lyndon B. Johnson with Mr. Keller.

Mr. COOLEY changed his vote from "no" to "aye."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. Without objection, the Clerk will report the other amendment upon which a separate vote is demanded.

The Clerk read as follows:

Amendment offered by Mr. WALTER: Page 1, line 11, after the word "California", insert northern district of Illinois."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. MICHENER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 198, nays 150, not voting 82, as follows:

[Roll No. 45]

YEAS—198

Allen, La.	Doxey	Kitchens	Randolph
Anderson, Mo.	Drewry	Kleberg	Rankin
Barden	Duncan	Kocialkowski	Rayburn
Barnes	Dunn	Kramer	Richards
Barry	Durham	Lanham	Risk
Bates, Ky.	Edelstein	Larrabee	Robertson
Beam	Edmiston	Leavy	Robinson, Utah
Bell	Elliott	Lesinski	Rogers, Okla.
Bland	Evans	Lewis, Colo.	Romjue
Bloom	Faddis	Lynch	Ryan
Boehne	Fay	McAndrews	Sacks
Boland	Fernandez	McGehee	Sasscer
Boren	Fitzpatrick	McGranery	Satterfield
Boykin	Flannagan	McKeough	Schaefer, Ill.
Bradley, Pa.	Flannery	McLaughlin	Schafer, Wis.
Brooks	Folger	McMillan, Clara G.	Schuetz
Brown, Ga.	Ford, Miss.	McMillan, John L.	Schulte
Bulwinkle	Fries	Magnuson	Schwert
Byrns, Tenn.	Gathings	Maloney	Shanley
Byron	Gavagan	Marcantonio	Shannon
Caldwell	Gerlach	Massingale	Sheppard
Camp	Gore	Merritt	Sheridan
Cannon, Fla.	Gossett	Mills, Ark.	Smith, Conn.
Cannon, Mo.	Green	Mills, La.	Smith, Va.
Cartwright	Gregory	Mitchell	Smith, Wash.
Celler	Griffith	Monroney	Snyder
Chapman	Harrington	Moser	Somers, N. Y.
Clark	Hart	Murdock, Utah	South
Cochran	Harter, Ohio	Myers	Sparkman
Coffee, Nebr.	Havenner	Nelson	Spence
Coffee, Wash.	Hendricks	Nichols	Sullivan
Cole, Md.	Hennings	Norrell	Sutphin
Connery	Hill	Norton	Tarver
Cooley	Hobbs	O'Connor	Tenerowicz
Cooper	Houston	O'Day	Terry
Costello	Hunter	O'Leary	Thomas, Tex.
Courtney	Izac	O'Neal	Thomason
Cravens	Jacobsen	Pace	Tolan
Crosser	Jarman	Parsons	Vincent, Ky.
Crowe	Johnson, Luther A.	Patman	Vinson, Ga.
Cullen	Johnson, Okla.	Patrick	Walter
D'Alesandro	Johnson, W. Va.	Patton	Ward
Davis	Kefauver	Pearson	Warren
Delaney	Kelly	Peterson, Fla.	Weaver
Dempsey	Kennedy, Martin	Peterson, Ga.	Welch
Dickstein	Kennedy, Md.	Pfeifer	West
Dies	Kennedy, Michael	Pierce	White, Idaho
Dingell	Keogh	Pittenger	Zimmerman
Disney	Kilday	Rabaut	
Doughton	Kirwan	Ramspeck	

NAYS—150

Alexander	Andresen, A. H.	Arends	Barton
Andersen, H. Carl	Andrews	Austin	Bates, Mass.
Anderson, Calif.	Angell	Ball	Beckworth

Bender	Gifford	Landis	Rogers, Mass.
Blackney	Gilchrist	LeCompte	Routzohn
Bolles	Gillie	Lemke	Rutherford
Bolton	Goodwin	Lewis, Ohio	Sandager
Brown, Ohio	Graham	Luce	Schiffler
Bryson	Grant, Ala.	Ludlow	Seccombe
Buckler, Minn.	Gross	McDowell	Seger
Burdick	Guyer, Kans.	McGregor	Short
Carlson	Gwynne	McLean	Simpson
Chiperfield	Hall, Leonard W.	McLeod	Smith, Maine
Church	Halleck	Maas	Smith, Ohio
Clason	Hancock	Mahon	Springer
Claypool	Hare	Marshall	Stefan
Clevenger	Harness	Martin, Iowa	Sumner, Ill.
Cluett	Harter, N. Y.	Martin, Mass.	Taber
Cole, N. Y.	Hawks	Mason	Talle
Colmer	Hess	Michener	Thill
Corbett	Hinshaw	Miller	Thomas, N. J.
Culkin	Holmes	Monkiewicz	Thorkelson
Curtis	Hope	Mott	Tinkham
Dirksen	Hull	Mundt	Treadway
Ditter	Jenkins, Ohio	Murray	Van Zandt
Dondero	Jennings	O'Brien	Vorys, Ohio
Dworshak	Jensen	Oliver	Vreeland
Eaton	Johns	Osmers	Wadsworth
Elston	Johnson, Ill.	Poage	Wheat
Engel	Johnson, Ind.	Polk	Whittington
Englebright	Jones, Ohio	Powers	Wigglesworth
Fenton	Jonkman	Reece, Tenn.	Winter
Fish	Kean	Reed, N. Y.	Wolcott
Ford, Leland M.	Keefe	Rees, Kans.	Wolfenden, Pa.
Fulmer	Kilburn	Rich	Wolverton, N. J.
Gamble	Kinzer	Robsion, Ky.	Youngdahl
Gartner	Kunkel	Rockefeller	
Gearhart	Lambertson	Rodgers, Pa.	

NOT VOTING—82

Allen, Ill.	DeRouen	Johnson, Lyndon	Shafer, Mich.
Allen, Pa.	Douglas	Jones, Tex.	Smith, Ill.
Arnold	Eberharter	Kee	Smith, W. Va.
Bradley, Mich.	Ellis	Keller	Starnes, Ala.
Brewster	Ferguson	Kerr	Steagall
Buck	Flaherty	Knutson	Stearns, N. H.
Buckley, N. Y.	Ford, Thomas F.	Lea	Sumners, Tex.
Burch	Garrett	McArdle	Sweeney
Burgin	Gehrmann	McCormack	Taylor
Byrne, N. Y.	Geyer, Calif.	Maciejewski	Tibbott
Carter	Gibbs	Mansfield	Voorhis, Calif.
Case, S. Dak.	Grant, Ind.	Martin, Ill.	Wallgren
Casey, Mass.	Hall, Edwin A.	May	Whelchel
Collins	Hartley	Mouton	White, Ohio
Cox	Healey	Murdock, Ariz.	Williams, Del.
Crawford	Hoffman	O'Toole	Williams, Mo.
Creal	Hook	Plumley	Wood
Crowther	Horton	Reed, Ill.	Woodruff, Mich.
Cummings	Jarrett	Sabath	Woodrum, Va.
Darden	Jeffries	Scrugham	
Darrow	Jenks, N. H.	Secrest	

So the amendment was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Secrest (for) with Mr. Plumley (against).
Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Hall, Edwin A. (against).
Mr. Sweeney (for) with Mr. Jefferies (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (aganst).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Sabath (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Hartley (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr Smith of Illinois (for) with Mr. Gehrmann (against).

General pairs:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Steagall with Mr. Horton.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Whelchel with Mr. Crowther.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Hook.
Mr. Allen of Pennsylvania with Mr. Wallgren.
Mr. Garrett with Mr. Mouton.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Smith of West Virginia.
Mr. Taylor with Mr. Healey.
Mr. Geyer of California with Mr. Cox.
Mr. Lea with Mr. Kerr.
Mr. Johnson, Lyndon B., with Mr. Ellis.
Mr. Burch with Mr. Wood.
Mr. Murdock of Arizona with Mr. Sumners of Texas.
Mr. McCormack with Mr. Kee.

Mr. MURDOCK of Arizona. Mr. Speaker, I desire to vote "aye."

The SPEAKER pro tempore. Does the gentleman qualify?

Mr. MURDOCK of Arizona. I do not, Mr. Speaker.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman from Wisconsin opposed to the bill?

Mr. SCHAFER of Wisconsin. In its present form I am, Mr. Speaker.

The SPEAKER pro tempore. The gentleman qualifies, and the Clerk will report the motion.

The Clerk read as follows:

Mr. SCHAFER of Wisconsin moves to recommit the bill to the Committee on the Judiciary for further consideration.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

The motion was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Mr. MICHENER. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 210, nays 137, not voting 83, as follows:

[Roll No. 46]

YEAS—210

Allen, La.	Durham	Larrabee	Richards
Allen, Pa.	Edelstein	Lea	Risk
Anderson, Mo.	Edmiston	Leavy	Robertson
Barden	Elliott	Lesinski	Robinson, Utah
Barnes	Evans	Lewis, Colo.	Robsion, Ky.
Barry	Faddis	Lynch	Rogers, Okla.
Bates, Ky.	Fay	McAndrews	Romjue
Bell	Fernandez	McGehee	Ryan
Bland	Fitzpatrick	McGranery	Sacks
Bloom	Flannagan	McKeough	Sasscer
Boland	Flannery	McLaughlin	Satterfield
Boykin	Ford, Leland M.	McMillan, Clara G.	Schaefer, Ill.
Bradley, Pa.	Ford, Miss.	McMillan, John L.	Schafer, Wis.
Brooks	Fries	Magnuson	Schuetz
Brown, Ga.	Gathings	Maloney	Schulte
Bulwinkle	Gavagan	Marcantonio	Schwert
Byrns, Tenn.	Gerlach	Massingale	Shanley
Byron	Gore	Merritt	Shannon
Caldwell	Gossett	Mills, Ark.	Sheppard
Camp	Grant, Ala.	Mills, La.	Sheridan
Cannon, Fla.	Green	Mitchell	Smith, Conn.
Cannon, Mo.	Gregory	Monroney	Smith, Maine
Cartwright	Griffith	Moser	Smith, Va.
Celler	Gwynne	Murdock, Ariz.	Smith, Wash.
Chapman	Harrington	Murdock, Utah	Smith, W. Va.
Clark	Hart	Myers	Snyder
Claypool	Harter, Ohio	Nelson	Somers, N. Y.
Cochran	Havenner	Nichols	South
Coffee, Nebr.	Hendricks	Norrell	Sparkman
Coffee, Wash.	Hennings	Norton	Spence
Cole, Md.	Hill	O'Connor	Sullivan
Connery	Hinshaw	O'Day	Sutphin
Cooley	Hobbs	O'Leary	Tarver
Cooper	Hook	Oliver	Tenerowicz
Costello	Hunter	O'Neal	Terry
Courtney	Izac	Osmers	Thomas, Tex.
Cox	Jacobsen	Pace	Thomason
Cravens	Jarman	Parsons	Tolan
Crosser	Johnson, Luther	Patman	Vincent, Ky.
Crowe	Johnson, Okla.	Patrick	Vinson, Ga.
Cullen	Johnson, W. Va.	Patton	Vreeland
D'Alesandro	Kefauver	Pearson	Walter
Davis	Kelly	Peterson, Fla.	Ward
Delaney	Kennedy, Martin	Peterson, Ga.	Warren
Dempsey	Kennedy, Md.	Pfeifer	Weaver
Dickstein	Kennedy, Michael	Pierce	Welch
Dingell	Keogh	Pittenger	West
Disney	Kilday	Powers	White, Idaho
Doughton	Kirwan	Rabaut	Whittington
Doxey	Kitchens	Ramspeck	Wolverton, N. J.
Drewry	Kocialkowski	Randolph	Zimmerman
Duncan	Kramer	Rankin	
Dunn	Lanham	Rayburn	

NAYS—137

Alexander	Dondero	Jonkman	Rees, Kans.
Andersen, H. Carl	Dworshak	Kean	Rich
Anderson, Calif.	Eaton	Keefe	Rockefeller
Andresen, A. H.	Elston	Kilburn	Rodgers, Pa.
Andrews	Engel	Kinzer	Rogers, Mass.
Angell	Englebright	Kleberg	Routzohn
Arends	Fenton	Kunkel	Rutherford
Austin	Fish	Lambertson	Schiffler
Ball	Fulmer	Landis	Seccombe
Barton	Gamble	LeCompte	Seger
Bates, Mass.	Gartner	Lemke	Short
Beckworth	Gifford	Lewis, Ohio	Simpson
Bender	Gilchrist	Luce	Smith, Ohio
Blackney	Gillie	Ludlow	Springer
Bolles	Graham	McDowell	Stefan
Bolton	Gross	McGregor	Sumner, Ill.
Boren	Guyer, Kans.	McLean	Taber
Brown, Ohio	Hall, Leonard W.	McLeod	Talle
Bryson	Halleck	Maas	Thill
Buckler, Minn.	Hancock	Mahon	Thomas, N. J.
Burdick	Harness	Marshall	Thorkelson
Carlson	Harter, N. Y.	Martin, Iowa	Tinkham
Chiperfield	Hawks	Martin, Mass.	Treadway
Church	Hess	Mason	Van Zandt
Clason	Holmes	Michener	Vorys, Ohio
Clevenger	Hope	Miller	Wadsworth
Cluett	Houston	Monkiewicz	Wheat
Cole, N. Y.	Hull	Mott	Wigglesworth
Colmer	Jenkins, Ohio	Mundt	Winter
Corbett	Jennings	Murray	Wolcott
Culkin	Jensen	O'Brien	Wolfenden, Pa.
Curtis	Johns	Poage	Youngdahl
Dies	Johnson, Ill.	Polk	
Dirksen	Johnson, Ind.	Reece, Tenn.	
Ditter	Jones, Ohio	Reed, N. Y.	

NOT VOTING—83

Allen, Ill.	DeRouen	Jarrett	Scrugham
Arnold	Douglas	Jeffries	Secrest
Beam	Eberharter	Jenks, N. H.	Shafer, Mich.
Boehne	Ellis	Johnson, Lyndon	Smith, Ill.
Bradley, Mich.	Ferguson	Jones, Tex.	Starnes, Ala.
Brewster	Flaherty	Kee	Steagall
Buck	Folger	Keller	Stearns, N. H.
Buckley, N. Y.	Ford, Thomas F.	Kerr	Sumners, Tex.
Burch	Garrett	Knutson	Sweeney
Burgin	Gearhart	McArdle	Taylor
Byrne, N. Y.	Gehrmann	McCormack	Tibbott
Carter	Geyer, Calif.	Maciejewski	Voorhis, Calif.
Case, S. Dak.	Gibbs	Mansfield	Wallgren
Casey, Mass.	Goodwin	Martin, Ill.	Whelchel
Collins	Grant, Ind.	May	White, Ohio
Crawford	Hall, Edwin A.	Mouton	Williams, Del.
Creal	Hare	O'Toole	Williams, Mo.
Crowther	Hartley	Plumley	Wood
Cummings	Healey	Reed, Ill.	Woodrum, Va.
Darden	Hoffman	Sabath	Woodruff, Mich.
Darrow	Horton	Sandager	

So the bill was passed.

The Clerk announced the following additional pairs:

On this vote:

Mr. Buckley of New York (for) with Mr. Allen of Illinois (against).
Mr. Ferguson (for) with Mr. Edwin A. Hall (against).
Mr. Sweeney (for) with Mr. Jeffries (against).
Mr. O'Toole (for) with Mr. Douglas (against).
Mr. Maciejewski (for) with Mr. Jenks of New Hampshire (against).
Mr. Martin of Illinois (for) with Mr. Tibbott (against).
Mr. Byrne of New York (for) with Mr. Reed of Illinois (against).
Mr. Sabath (for) with Mr. White of Ohio (against).
Mr. Creal (for) with Mr. Goodwin (against).
Mr. Casey of Massachusetts (for) with Mr. Woodruff of Michigan (against).
Mr. Smith of Illinois (for) with Mr. Gehrmann (against).
Mr. Beam (for) with Mr. Sandager (against).

Until further notice:

Mr. Woodrum of Virginia with Mr. Stearns of New Hampshire.
Mr. Mansfield with Mr. Darrow.
Mr. Starnes of Alabama with Mr. Williams of Delaware.
Mr. Gibbs with Mr. Crawford.
Mr. DeRouen with Mr. Jarrett.
Mr. Darden with Mr. Knutson.
Mr. Collins with Mr. Shafer of Michigan.
Mr. Jones of Texas with Mr. Hoffman.
Mr. Whelchel with Mr. Crowther.
Mr. Buck with Mr. Brewster.
Mr. Burgin with Mr. Case of South Dakota.
Mr. Cummings with Mr. Grant of Indiana.
Mr. May with Mr. Bradley of Michigan.
Mr. Eberharter with Mr. Scrugham.
Mr. Williams of Missouri with Mr. Walgren.
Mr. Garrett with Mr. Mouton.
Mr. Arnold with Mr. McArdle.
Mr. Flaherty with Mr. Hare.
Mr. Taylor with Mr. Healey.
Mr. Geyer of California with Mr. Boehne.
Mr. Lyndon B. Johnson with Mr. Ellis.
Mr. Burch with Mr. Wood.
Mr. McCormack with Mr. Kee.
Mr. Folger with Mr. Plumley.
Mr. Creal with Mr. Hartley.
Mr. Steagall with Mr. Carter.
Mr. Secrest with Mr. Gearhart.
Mr. Keller with Mr. Sumners of Texas.
Mr. Kerr with Mr. Thomas F. Ford.

The result of the vote was announced as above recorded.

By unanimous consent a motion to reconsider the vote whereby the bill was passed was laid on the table.

LEAVE OF ABSENCE

Mr. LUDLOW. Mr. Speaker, my colleague the gentleman from Indiana [Mr. LARRABEE] was called home unexpectedly this afternoon by serious illness in his family. In his behalf I ask unanimous consent that he may be given indefinite leave of absence.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATRICK. Mr. Speaker, I ask unanimous consent that on Monday next, after the disposition of the legislative program for the day and any other special orders that may have been entered, I may address the House for 25 minutes.

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, on what date?

Mr. PATRICK. On next Monday.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

EXTENSION OF REMARKS

Mr. PATRICK and Mr. BURDICK asked and were given permission to revise and extend their own remarks.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend in the RECORD an address delivered by Maj. Gen. Julian Schley, Chief of Engineers, on March 13 in this city before the Mississippi Flood Control Association.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein an address delivered by Maj. Gen. Julian Schley, Chief of Engineers, before the Rivers and Harbors Congress in session in Washington today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a quotation of 19 words.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to extend my own remarks, and to include therein extracts from an address delivered by the Reverend William A. Foran, and I may say that I fully concur in the views expressed therein.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my remarks, and to include therein an address I delivered before the Rivers and Harbors Congress in Washington today.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HOOK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD, and to include therein a statement from the Washington Herald of March 14 on Mannerheim's message to the Army of Finland.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects: First, to extend my remarks regarding the Wheeler-Lea bill amendments, and, second, to revise and extend my remarks regarding the Neely bill and to insert therein two letters.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. JENKINS of Ohio asked and was given permission to revise and extend his own remarks in the RECORD.

Mr. WHITE of Idaho. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the RECORD, and to include therein testimony given by myself before the Appropriations Committee of the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Idaho [Mr. WHITE]?

There was no objection.

GREAT BRITAIN'S DEBT TO THE UNITED STATES

Mr. RANDOLPH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

Mr. RANDOLPH. Mr. Speaker, on March 4 I introduced House Resolution 482, looking toward the acquisition of certain British islands, negotiations to be entered into by this country with Great Britain, as partial payment of the war debt which that country owes the United States. A similar resolution was introduced in the other body by the able Senator from North Carolina [Mr. REYNOLDS]. I am sure I speak for him also when I say we have received splendid support from many sections of the country as evidenced by the editorials and the correspondence which has come to our attention.

Mr. Speaker, I ask unanimous consent to include as a part of my remarks at this point three letters supporting this resolution which I believe are typical of the hundreds of communications which both Senator REYNOLDS and myself have received. I trust that the Committee on Foreign Affairs of the House and Senate will give prompt consideration to what we believe is a worthy proposal.

[Here the gavel fell.]

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia [Mr. RANDOLPH]?

There was no objection.

The letters referred to follow:

CHICAGO, ILL., *March 6, 1940.*

Hon. JENNINGS RANDOLPH,
Member of Congress, Washington, D. C.

DEAR MR. CONGRESSMAN: I would like to see a copy of your bill with reference to the acquisition of Caribbean possessions of the British and French.

When one visualizes a string of islands, partially submerged reefs and banks, with comparatively few navigable passages, stretching from within a short distance of our Florida coast for a distance of some 1,600 miles to Trinidad, off the coast of Venezuela, one has a picture of what might be developed into a most effective barricade against any navigation from the Atlantic into the Caribbean, or from our eastern seaboard into the Gulf of Mexico.

These islands, the Bahamas and the Lesser Antilles, are now in possession of friendly foreign powers, but it is not difficult to imagine developments in Europe resulting in their ownership passing to unfriendly powers. A few strategically located naval and airplane bases would afford a control of navigation to and from the Atlantic that would minimize materially the value of the Panama Canal to the United States and to other American nations not on friendly terms with the new owners.

Knowing the Caribbean, it has long been my conviction that, when opportune, something should be done about this matter, and it appears that you have seen an opportunity in the war-debt situation that might be utilized to this end. I hope so.

Very truly yours,

M. D. CARREL.

NICHOLAS VOLK & CO., INC.,
New York, March 6, 1940.

Hon. JENNINGS RANDOLPH,
Washington, D. C.

DEAR SIR: The resolution to be introduced asking President Roosevelt to negotiate with Great Britain for acquisition of certain Western Hemisphere islands in payment of the war debts is an excellent idea; in fact, it is the very best proposition that we could submit to Great Britain at the present time, and if Great Britain refuses they certainly never intend to honor this debt.

I have spoken with a number of my friends about your resolution and we are all agreed that this is a fair and reasonable proposition to submit to Great Britain, and we hope that your resolution will be approved.

We shall be eagerly waiting to learn the outcome of your efforts and hope that you will be successful, as this certainly is a step in the right direction.

Sincerely yours,

NICHOLAS VOLK.

EAST LYNN, MASS., *March 9, 1940.*

Representative RANDOLPH,
House of Representatives, Washington, D. C.

MY DEAR MR. RANDOLPH: In a recent newspaper, I read of your proposed resolution, authorizing the President to negotiate for the acquisition of British islands off the coast of North and South America.

I think that this is the first time that a resolution like this has been asked for in either House of Congress, and I certainly congratulate you on your thought, but think that you should go a step further, if possible, and ask for a law to take them over.

If I owe anyone money on a note, they can sue me for recovery; if I own a piece of land which holds a mortgage and do not pay the interest or the mortgage, the mortgagee can foreclose and take it away from me; if I do not pay taxes on that property, the city can take it away from me.

In this instance, we have loaned Britain, as well as other countries money, and they simply throw up their hands and say, "What are you going to do about it?"

Taking the islands certainly is a logical conclusion to this matter.

Cordially yours,

E. W. WILLIAMS.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. ALEXANDER, until March 22, on account of official business.

To Mr. DARDEN, for 10 days, on account of official business.

To Mr. MAGNUSON, for 10 days, on account of official business.

To Mr. BOEHNE, for 2 weeks, on account of important business.

ST. PATRICK'S DAY

Mr. DUNN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania [Mr. DUNN]?

There was no objection.

Mr. DUNN. Mr. Speaker, if it is in order, I want to wish everybody in the whole world a happy St. Patrick's Day.

ADJOURNMENT OVER

Mr. RAYBURN. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. RAYBURN]?

There was no objection.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House, under its order heretofore adopted, adjourned until Monday, March 18, 1940, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold hearings at 10 a. m. on the following dates on the matters named:

Tuesday, March 19, 1940:

H. R. 6136, to amend the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911 (36 Stat. 1353; 34 U. S. C. 1122), so as to authorize an appropriation of $50,000 annually to aid in the maintenance and support of marine schools.

H. R. 7094, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective nautical schools, and for other purposes.

H. R. 7870, to extend the provisions of the act entitled "An act for the establishment of marine schools, and for other purposes," approved March 4, 1911, to include Astoria, Oreg.

H. R. 8612, to authorize the United States Maritime Commission to construct or acquire vessels to be furnished the States of New York, Massachusetts, Pennsylvania, and California for the benefit of their respective natuical schools, and for other purposes.

Thursday, March 21, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Thursday, March 21, 1940, at 10 a. m., on the following bills providing for the establishment of marine hospitals: H. R. 2985 (GREEN), at Jacksonville, Fla.; H. R. 3214 (GEYER of California), at Los Angeles, Calif.; H. R. 3578 (CANNON of Florida), at Miami, Fla.; H. R. 3700 (PETERSON of Florida), State of Florida; H. R. 4427 (GREEN), State of Florida; H. R. 5577 (IZAC), at San Diego, Calif.; H. R. 6983 (WELCH), State of California.

Wednesday, March 27, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Wednesday, March 27, 1940, at 10 a. m., on the following bills providing for Government aid to the lumber industry: H. R. 7463 (ANGELL) and H. R. 7505 (BOYKIN).

Tuesday, April 2, 1940:

H. R. 7169, authorizing the Secretary of Commerce to establish additional boards of local inspectors in the Bureau of Marine Inspection and Navigation.

Tuesday, April 9, 1940:

The Committee on Merchant Marine and Fisheries will hold public hearings on Tuesday, April 9, 1940, at 10 a. m., on the following bill: H. R. 7637, relative to liability of vessels in collision.

Tuesday, April 16, 1940:

H. R. 8475, to define "American fishery."

COMMITTEE ON PATENTS

The Committee on Patents will hold hearings Thursday, March 21, 1940, at 10:30 a. m., on S. 2689, to amend section 33 of the Copyright Act of March 4, 1309, relating to unlawful importation of copyrighted works.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Friday, March 15, 1940, for the consideration of H. R. 7615 and H. R. 8511.

There will be a meeting of a subcommittee of the Committee on Interstate and Foreign Commerce at 10 a. m., Monday, March 18, 1940, for the consideration of H. R. 6939 and H. R. 7633, the identical titles of both bills being "Prescribing tolls to be paid for the use of locks on all rivers of the United States."

COMMITTEE ON INSULAR AFFAIRS

There will be a meeting of the Committee on Insular Affairs on Tuesday, March 19, 1940, at 10 a. m., for the consideration of H. R. 8239, Creating the Puerto Rico Water Resources Authority, and for other purposes.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

(Wednesday, March 20, 1940)

There will be a meeting of the Committee on Public Buildings and Grounds at 10 a. m. Wednesday, March 20, 1940, for the consideration of H. R. 4582, to provide for the acquisition of certain property for public use in the District of Columbia.

COMMITTEE ON FLOOD CONTROL

SCHEDULE OF HEARINGS ON FLOOD-CONTROL BILL OF 1940 BEGINNING MARCH 18, 1940, AT 10 A. M., DAILY

The hearings will be on reports submitted by the Chief of Engineers since the Flood Control Act of June 28, 1938, and on amendments to existing law. The committee plans to report an omnibus bill with authorizations of approximately one hundred and fifty to one hundred and seventy-five million dollars covering the principal regions of the country.

1. Monday, March 18: Maj. Gen. Julian L. Schley, Chief of Engineers, has been requested to make a general statement with his recommendations covering a general flood-control bill and the projects that should be included in the bill. He, the president of the Mississippi River Commission, the assistants to the Chief of Engineers, the division engineers, and the district engineers will be requested to submit additional statements as individual projects are considered and as desired by the committee.

2. Tuesday, March 19: Sponsors and representatives of the Corps of Engineers, from New England, New York, and the Atlantic seaboard on all reported projects and pending bills.

3. Wednesday, March 20: Sponsors and representatives of the Corps of Engineers, from the upper Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

4. Thursday, March 21: Sponsors and representatives of the Corps of Engineers, from the lower Ohio and tributaries, on additional authorizations for levees, flood walls, and reservoirs.

5. Friday, March 22: Sponsors and representatives of the Corps of Engineers, for the upper Mississippi and tributaries, and Missouri River and tributaries.

6. Saturday, March 23: Sponsors and representatives of the Corps of Engineers for projects on the Arkansas River and tributaries.

7. Monday, March 25: Sponsors and representatives of the Corps of Engineers for projects on the White River and tributaries.

8. Tuesday, March 26: Sponsors and representatives of the Corps of Engineers for projects in reports on rivers in Texas and the Southwest.

9. Wednesday, March 27: Sponsors and representatives of the Corps of Engineers for projects in the Los Angeles area and in the Pacific Northwest.

10. Thursday, March 28: Sponsors and representatives of the Corps of Engineers for projects in Colorado and other western areas.

11. Friday, March 29: Sponsors and representatives of the Corps of Engineers for the lower Mississippi River and other tributaries.

12. Saturday, March 30: Sponsors and representatives of the Corps of Engineers for other drainage-basin areas for other projects in other parts of the country.

13. Monday, April 1: Senators and Members of Congress, Department of Agriculture, and other governmental agencies.

COMMITTEE ON FOREIGN AFFAIRS

The Committee on Foreign Affairs will hold hearings Wednesday, March 20, 1940, at 10:30 a. m., on House Joint Resolution 470, to authorize the appropriation of an additional sum of $425,000 for Federal participation in the New York World's Fair, 1940.

EXECUTIVE COMMUNICATIONS, ETC.

1463. Under clause 2 of rule XXIV, a letter from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, dated February 27, 1940, submitting a report, together with accompanying papers and an illustration, on examinations of Touchet River, Wash., a tributary of Walla Walla River, authorized by the Flood Control Act approved June 22, 1936, and by acts of Congress approved June 13, 1934, and May 6, 1936 (H. Doc. No. 662), was taken from the Speaker's table, referred to the Committee on Flood Control, and ordered to be printed, with an illustration.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. GAVAGAN: Committee on Elections No. 2. House Resolution 427. Resolution relating to the contested election case of Byron N. Scott, contestant, versus Thomas M. Eaton,

contestee, from the Eighteenth District of California; without amendment (Rept. No. 1783). Referred to the House Calendar.

Mr. HILL: Committee on the Public Lands. H. R. 7736. A bill authorizing the Secretary of the Interior to issue patents for lands held under color of title; with amendment (Rept. No. 1785). Referred to the Committee of the Whole House on the state of the Union.

Mr. ELLIOTT: Committee on the Public Lands. H. R. 6575. A bill to authorize and direct the adjustment of land-ownership lines within the General Grant National Park, Calif., in order to protect equities established by possession arising in conformity with a certain survey, and for other purposes; with amendment (Rept. No. 1786). Referred to the Committee of the Whole House on the state of the Union.

Mr. DUNN: Committee on the Census. S. 2505. An act to amend an act to provide for the fifteenth and subsequent decennial censuses and to provide for apportionment of Representatives in Congress, approved June 18, 1929, so as to change the date of subsequent apportionments; with amendment (Rept. No. 1787). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROMJUE: Committee on the Post Office and Post Roads. S. 1214. An act to provide for a more permanent tenure for persons carrying the mail on star routes; with amendment (Rept. No. 1788). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mrs. O'DAY: Committee on Immigration and Naturalization. H. R. 8379. A bill for the relief of Izaak Szaja Licht; without amendment (Rept. No. 1784). Referred to the Committee of the Whole House.

Mr. MASON: Committee on Immigration and Naturalization. S. 2598. An act for the relief of Kurt Wessely; without amendment (Rept. No. 1789). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. RANKIN:

H. R. 8930. A bill to amend section 202 (3), World War Veterans Act, 1924, as amended, to provide more adequate and uniform administrative provisions in veterans' laws, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. HAVENNER:

H. R. 8931. A bill to provide for the settlement and development of Alaska; to the Committee on the Territories.

By Mr. BARRY:

H. R. 8932. A bill to prohibit discrimination against anyone because of age in employment directly and indirectly under the United States; to the Committee on the Civil Service.

By Mr. DITTER:

H. R. 8933. A bill to amend chapter 28 of the laws of 1929, being the act of June 18, 1929 (46 Stat. L. 21), and for other purposes; to the Committee on the Census.

By Mr. GERLACH:

H. R. 8934. A bill to authorize the Secretary of the Interior to purchase the Trexler hatchery in Lehigh County, Pa.; to the Committee on Merchant Marine and Fisheries.

By Mr. LEA:

H. R. 8935. A bill to provide for the registration and regulation of investment companies and investment advisers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MERRITT:

H. R. 8936. A bill to amend the income-tax law to provide credit for dependents under 22 years of age while at school or college; to the Committee on Ways and Means.

By Mr. O'CONNOR:

H. R. 8937. A bill to authorize an appropriation for the relief of ill-clothed, ill-fed, and ill-housed needy American Indians through the utilization of surplus American agricultural and other commodities; to the Committee on Indian Affairs.

By Mr. SMITH of Washington:

H. R. 8938. A bill to authorize a preliminary examination and survey of the Columbia River and its tributaries in Clark County, Wash., extending from the downstream point of the Vancouver Lake area to the upstream point of the Bachelor Island area, a distance of approximately 3 miles, with a view to providing flood control in said area; to the Committee on Flood Control.

By Mr. RANKIN:

H. R. 8939 (by request). A bill to provide more adequate pension for certain disabled World War veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

H. R. 8940 (by request). A bill to provide more adequate compensation for certain dependents of World War veterans, and for other purposes; to the Committee on World War Veterans' Legislation.

By Mr. FULMER:

H. R. 8941. A bill authorizing the coinage of 50-cent pieces in commemoration of the arrival of the Marquis de Lafayette at North Island, near Georgetown, S. C., on June 14, 1777; to the Committee on Coinage, Weights, and Measures.

By Mr. HARE:

H. R. 8942. A bill to aid State and local education by extending the benefits of the Civil Service Retirement Act to teachers in State and other public educational institutions; to the Committee on the Civil Service.

By Mr. SHANLEY:

H. J. Res. 491. Joint resolution to provide reciprocal Finnish debt scholarships; to the Committee on Ways and Means.

H. Con. Res. 53. Concurrent resolution for the relief of Finland; to the Committee on Foreign Affairs.

By Mr. GAVAGAN:

H. Res. 427. Resolution relating to the contested-election case of Byron N. Scott, contestant, versus Thomas M. Eaton, contestee, from the Eighteenth Congressional District of California; to the Committee on Elections No. 2.

By Mr. O'LEARY:

H. Res. 428. Resolution providing for permanent tenure of the officers of the Capitol Police who are World War veterans; to the Committee on Accounts.

MEMORIALS

Under clause 3 of rule XXII, memorials were presented and referred as follows:

By the SPEAKER: Memorial of the Legislature of the State of Rhode Island and Providence Plantations, memorializing the President and the Congress of the United States to consider their resolution, H. 780, January session, A. D. 1940, concerning the elections of Presidents, of the United States of America; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOLAND:

H. R. 8943. A bill for the relief of James E. Clark; to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT:

H. R. 8944. A bill for the relief of W. A. Facht; to the Committee on Claims.

By Mr. LELAND M. FORD:

H. R. 8945. A bill authorizing the Commissioner of Patents to register and to admit to practice before the United States Patent Office William E. Baff; to the Committee on Patents.

By Mr. LANHAM:

H. R. 8946. A bill for the relief of Rufus K. Sanderlin; to the Committee on Claims.

By Mr. McANDREWS:

H. R. 8947. A bill to enable Elizabeth Hipp to remain permanently in the United States; to the Committee on Immigration and Naturalization.

By Mr. McGREGOR:

H. R. 8948. A bill granting an increase of pension to Sarah E. Priest; to the Committee on Invalid Pensions.

H. R. 8949. A bill granting an increase of pension to Laura Moore; to the Committee on Invalid Pensions.

By Mr. REED of New York:

H. R. 8950. A bill for the relief of Nathan P. Taft; to the Committee on Claims.

H. R. 8951. A bill granting an increase of pension to Mary F. Warren; to the Committee on Invalid Pensions.

By Mr. TIBBOTT:

H. R. 8952. A bill for the relief of Ivan Rightnour; to the Committee on Military Affairs.

H. R. 8953. A bill authorizing the President of the United States to present the distinguished-service cross to Samson Goldstein; to the Committee on Military Affairs.

By Mr. PETERSON of Florida:

H. J. Res. 492. House Joint Resolution conferring jurisdiction upon the Court of Claims to hear and determine the claim of Trent Trust Co., Ltd., a corporation of the Territory of Hawaii, and Cooke Trust Co., Ltd., a corporation of the Territory of Hawaii, as receiver for said Trent Trust Co., Ltd.; to the Committee on Claims.

By Mr. GRAHAM:

H. Res. 429. Resolution to pay a gratuity to Belle G. Schmoyer, widow of the late Harry A. Schmoyer; to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

6948. By Mr. BELL: Memorial of the First Methodist Episcopal Church of Lee's Summit, Mo., that the Congress should legislate to enforce an embargo on the shipments of war materials to Japan; to the Committee on Foreign Affairs.

6949. By Mr. BLOOM: Petition of the Industrial Council of the National Woman's Party, favoring the submitting of the equal rights amendment to the States for ratification; to the Committee on the Judiciary.

6950. By Mr. CONNERY: Resolution of the Massachusetts Women's Political Club, protesting against the enforcement of the 30-day furlough for relief workers, and requesting a sufficiently large appropriation to provide work for the employed; to the Committee on Appropriations.

6951. Also, resolution of the Central Labor Union of Boston, Mass., protesting against Treasury Decision No. 49682, and insisting that American labor be given an oportunity to be heard upon any and all proposed changes in customs, regulations, rules, or decisions affecting American fishermen; to the Committee on Merchant Marine and Fisheries.

6952. Also, resolution of the Atlantic Fishermen's Union, Local 21455, Boston, Mass., requesting a congressional investigation of the fishing industry be made by the Committee on Merchant Marine and Fisheries by sending a subcommittee to Boston and other North Atlantic ports and inviting members of labor unions and other interested parties to testify; to the Committee on Merchant Marine and Fisheries.

6953. Also, resolution of Local 21455, Atlantic Fishermen's Union, Boston, Mass., protesting against Treasury Decision No. 49682, which redefined the American fishery to allow a shore station to be located in Newfoundland; to the Committee on Merchant Marine and Fisheries.

6954. Also, resolution of the Gloucester Seafood Workers' Union, Local 1, series 1572, Gloucester, Mass., protesting against Treasury Decision No. 49682 and asking that steps be taken to guarantee that American labor will be given an opportunity, hereafter, to be heard upon any and all proposed changes in legislation, rulings, or decisions, affecting American fishermen or shore labor; to the Committee on Merchant Marine and Fisheries.

6955. Also, petition of the Peabody Cooperative Bank of Peabody, Mass., opposing the extension of the activities or increase in appropriation of the United States Housing Authority; to the Committee on Banking and Currency.

6956. Also, petition of the Massachusetts Cooperative Bank League, Boston, Mass., opposing the extension of the activities or increase in appropriation of the United States Housing Authority; to the Committee on Banking and Currency.

6957. Also, petition of the Equitable Cooperative Bank of Lynn, Mass., opposing the extension of the activities or increase in appropriation of the United States Housing Authority; to the Committee on Banking and Currency.

6958. Also, resolution of the Massachusetts State Federation of Labor, protesting against Treasury Decision No. 49862, and insisting that American workers and interested union representatives be given an opportunity to be heard upon any proposed changes in customs, regulations, rules, or decisions affecting American fishermen; to the Committee on Merchant Marine and Fisheries.

6959. Also, resolution of the Massachusetts State Federation of Labor, requesting that a committee be established to make inquiry into the general conditions of the New England fishing industry, or that some existing committee in Congress, with authority and with powers of subpena, make such an inquiry; to the Committee on Merchant Marine and Fisheries.

6960. By Mr. JACOBSEN: Resolution of the Townsend General Welfare Club, No. 1, of Clinton, Iowa, Dick F. Hartvigsen, president, voting unanimously to send petition of 700 members present calling upon Congress to act favorably on House bill 8264 for a national pension law to increase the buying power of millions of empty pockets, to relieve the old aged and unemployment suffering; to the Committee on Ways and Means.

6961. By Mr. KEOGH: Petition of the Lane Democratic Club, Inc., first assembly district, county of Kings, Brooklyn, N. Y., favoring sugar legislation that will protect the jobs of the Brooklyn, N. Y., sugar refinery workers; to the Committee on Foreign Affairs.

6962. Also, petition of the Ladies' Aid Society of Rugby Congregational Church, Brooklyn, N. Y., favoring sugar legislation that will protect the jobs of the Brooklyn, N. Y., sugar refinery workers; to the Committee on Foreign Affairs.

6963. By Mr. KRAMER: Resolution of the Board of Supervisors of the County of Los Angeles, State of California, relative to the Geyer bill, authorizing the Secretary of War to make a survey of the proposed "T" tunnel as a means of transportation and communication between San Pedro, Wilmington, Terminal Island, and Long Beach, Calif.; to the Committee on Military Affairs.

6964. Resolution of the Screen Writers' Guild, Inc., relative to the Dies committee; to the Committee on Rules.

6965. By Mr. LAMBERTSON: Petition of Ada Crosswhite and 34 other citizens of Topeka, Kans., urging the passage of the improved General Welfare Act (H. R. 5620); to the Committee on Ways and Means.

6966. By Mr. MAGNUSON: Petition of the King County Independent Grocers Association, Inc., containing 552 signatures favoring the enactment of House bill 1, Patman chain-store tax bill, submitted by J. W. Wardel, editor, the Radio Review; to the Committee on Ways and Means.

6967. By Mr. MILLER: Petition of 30 residents of Manchester, Conn., favoring House bill 5620; to the Committee on Ways and Means.

6968. By Mr. RISK: Memorial of the General Assembly of the State of Rhode Island, memorializing Congress to enact suitable legislation to prevent any President of the United States from seeking a third term; to the Committee on the Judiciary.

6969. Also, petition of the General Assembly of the State of Rhode Island, to name the United States military reservation on West Main Road, Little Compton, R. I., in honor of Col. Benjamin Church; to the Committee on the Library.

6970. By Mr. RUTHERFORD: Petition of sundry residents of Bradford County, Pa., favoring passage of the General Welfare Act (H. R. 5620); to the Committee on Ways and Means.

6971. By Mr. SANDAGER: Memorial of the General Assembly of the State of Rhode Island, requesting that the

United States military reservation on West Main Road in the town of Little Compton, R. I., be named in honor of that illustrious colonial soldier, Col. Benjamin Church; to the Committee on Military Affairs.

6972. Also, memorial of the General Assembly of Rhode Island, memorializing Congress to enact suitable legislation to prevent any President of the United States from seeking a third term; to the Committee on Election of President, Vice President, and Representatives in Congress.

6973. By Mr. SEGER: Petition of 30 employees of the Van Dyk Furniture Co., Paterson, N. J., protesting against the form of the proposed 1940 census; to the Committee on the Census.

6974. By Mr. VAN ZANDT: Petition of the Greater Washington Unit of the Aircraft Owners and Pilots Association, endorsing House bill 5844 for a civilian air reserve; to the Committee on Military Affairs.

6975. By the SPEAKER: Petition of the United States Department of Agriculture, Windom, Minn. (seventh anniversary farm program dinner), petitioning consideration of their resolution with reference to the agricultural conservation program; to the Committee on Appropriations.

6976. Also, petition of the Board of Supervisors of the County of Los Angeles, petitioning consideration of their resolution with reference to House bill 7447, authorizing a survey of proposed T tunnel; to the Committee on Military Affairs.

SENATE

FRIDAY, MARCH 15, 1940

(Legislative day of Monday, March 4, 1940)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The Chaplain, Rev. Zebarney T. Phillips, D. D., offered the following prayer:

Lord, God Almighty, who art of infinite perfection and who amidst the treacherous sands of time standest firm, our Rock of Ages: We turn to Thee from our perplexities and imperfections like men who turn from dusty toil to cleansing streams, for in life's desert places Thou art a spring whose waters never fail. As we pause in silence, let this place be made a holy shrine, a veritable chamber of reflection. We need a peace far deeper than the world can give, for there haunt us at this hour memories of duties unperformed, deeds of kindness left undone, words untrue, acts unworthy, thoughts impure, the stain of which is on us all. Hear us now, O blessed Christ, and as Thou hearest, forgive; appear to our waiting eyes; welcome us with outstretched arms; nor let us go until the sense of unfading light, of spotless purity, of long-suffering love steals upon us, making it possible for us to share in Thy redemptive work. We ask it in Thy holy name. Amen.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Thursday, March 14, 1940, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Byrnes	George	Holman
Andrews	Capper	Gerry	Holt
Ashurst	Caraway	Gibson	Hughes
Austin	Chandler	Gillette	Johnson, Colo.
Bailey	Chavez	Glass	La Follette
Bankhead	Clark, Idaho	Green	Lee
Barbour	Clark, Mo.	Guffey	Lodge
Barkley	Connally	Gurney	Lucas
Bilbo	Danaher	Hale	Lundeen
Bridges	Davis	Harrison	McCarran
Brown	Donahey	Hatch	McKellar
Bulow	Downey	Hayden	McNary
Burke	Ellender	Herring	Maloney
Byrd	Frazier	Hill	Mead
Miller	Pittman	Smith	Van Nuys
Minton	Reed	Stewart	Wagner
Murray	Reynolds	Taft	Walsh
Neely	Russell	Thomas, Idaho	Wheeler
Norris	Schwartz	Thomas, Okla.	White
Nye	Schwellenbach	Thomas, Utah	Wiley
O'Mahoney	Sheppard	Townsend	
Overton	Shipstead	Tydings	
Pepper	Smathers	Vandenberg	

Mr. MINTON. I announce that the Senator from Washington [Mr. BONE] and the Senator from Utah [Mr. KING] are absent from the Senate because of illness.

The Senator from Maryland [Mr. RADCLIFFE], the Senator from Illinois [Mr. SLATTERY], and the Senator from Missouri [Mr. TRUMAN] are detained on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Calloway, one of its reading clerks, announced that the House had passed a bill (H. R. 7079) to provide for the appointment of additional district and circuit judges, in which it requested the concurrence of the Senate.

BOARD OF VISITORS TO UNITED STATES MILITARY ACADEMY

Mr. SHEPPARD, as chairman of the Committee on Military Affairs, presented an announcement, which was read, as follows:

UNITED STATES SENATE,
March 15, 1940.

To the Senate:

By virtue of the authority vested in me by the act approved May 17, 1928, I hereby appoint the following members of the Senate Military Affairs Committee to the Board of Visitors to the United States Military Academy for the third session of the Seventy-sixth Congress: Senator MINTON, Senator SLATTERY, Senator CHANDLER, Senator GURNEY, Senator THOMAS of Idaho.

MORRIS SHEPPARD,
Chairman, Senate Committee on Military Affairs.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by the board of directors of the Philadelphia (Pa.) Bourse, protesting against the enactment of legislation which might bring further reduction in the amount of unrefined cane sugar entering the port of Philadelphia, which was referred to the Committee on Agriculture and Forestry.

He also laid before the Senate a letter from John D. Harris and Bertha Harris, of Victoria, Tex., relative to their property and certain difficulties with the Home Owners' Loan Corporation, which was referred to the Committee on Banking and Currency.

He also laid before the Senate the petition of the Polish Relief Committee of St. Hedwiges Parish and Polish societies, all of Manchester, N. H., praying for the enactment of the so-called Dingle bill, to authorize the appropriation of $20,000,000 for the relief of destitution among the civilian population of the subjugated Republic of Poland and the refugees in exile therefrom in other countries, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a letter in the nature of a petition from the Chinese University Club of Hawaii, Honolulu, T. H. (whose membership is composed of American citizens), praying for the enactment of the so-called Pittman resolution empowering the President to place an embargo on the shipment of war supplies to Japan, which was referred to the Committee on Foreign Relations.

REPORT OF COMMITTEE ON AGRICULTURE AND FORESTRY

Mr. BANKHEAD, from the Committee on Agriculture and Forestry, to which was referred the joint resolution (H. J. Res. 258) to amend section 8 (f) of the Soil Conservation and Domestic Allotment Act, as amended, reported it with an amendment and submitted a report (No. 1324) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMATHERS:

S. 3590. A bill conferring jurisdiction upon the Court of Claims to hear, determine, and render judgment upon the